



Federal Register

**Thursday,
October 3, 2002**

Part II

Department of Commerce

International Trade Administration

Antidumping and Countervailing Duty Orders for Various Countries; Notices

DEPARTMENT OF COMMERCE

International Trade Administration

[C-427-815]

Stainless Steel Sheet and Strip in Coils From France: Final Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: The Department is issuing the final results of the first administrative review of the countervailing duty order on stainless steel sheet and strip in coils from France for the period January 1, 2000, through December 31, 2000.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam at (202) 482-0176; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the "Act") by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the "Department") regulations are references to the provisions codified at 19 CFR part 351 (April 2001).

Case History

Since the publication of the preliminary results in the **Federal Register** (see *Stainless Steel Sheet and Strip in Coils from France: Preliminary Results of Countervailing Duty Administrative Review*, 67 FR 31774 (May 10, 2002) ("Preliminary Results")), the following events have occurred:

On June 10 and 17, 2002, we received case briefs and rebuttals, respectively, from the petitioners and Usinor/the Government of France ("GOF"). No hearing was held because no party requested a hearing.

On September 12, 2002, we published a **Federal Register** notice extending the time limit for completion of these final results for 14 days until September 23, 2002. See *Stainless Steel Sheet and Strip in Coils from France: Notice of*

Extension of Time Limit for Countervailing Duty Administrative Review, 67 FR 57793 (September 12, 2002).

Scope of Review

The products covered by this countervailing duty order are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (e.g., cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific dimensions of sheet and strip following such processing.

The merchandise covered by this order is currently classifiable in the *Harmonized Tariff Schedule of the United States* ("HTSUS") at the following subheadings: 7219.13.00.30, 7219.13.00.50, 7219.13.00.70, 7219.13.00.80, 7219.14.00.30, 7219.14.00.65, 7219.14.00.90, 7219.32.00.05, 7219.32.00.20, 7219.32.00.25, 7219.32.00.35, 7219.32.00.36, 7219.32.00.38, 7219.32.00.42, 7219.32.00.44, 7219.33.00.05, 7219.33.00.20, 7219.33.00.25, 7219.33.00.35, 7219.33.00.36, 7219.33.00.38, 7219.33.00.42, 7219.33.00.44, 7219.34.00.05, 7219.34.00.20, 7219.34.00.25, 7219.34.00.30, 7219.34.00.35, 7219.35.00.05, 7219.35.00.15, 7219.35.00.30, 7219.35.00.35, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.12.10.00, 7220.12.50.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.20.70.05, 7220.20.70.10, 7220.20.70.15, 7220.20.70.60, 7220.20.70.80, 7220.20.80.00, 7220.20.90.30, 7220.20.90.60, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80.

Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under review is dispositive.

Excluded from the scope of this order are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise

descaled; (2) sheet and strip that is cut to length; (3) plate (i.e., flat-rolled stainless steel products of a thickness of 4.75 mm or more); (4) flat wire (i.e., cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm); and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. See Chapter 72 of the HTSUS, "Additional U.S. Note" 1(d).

Also excluded from the scope of this order are:

Flapper Valve Steel: Flapper valve steel is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves in compressors.

Suspension Foil: Suspension foil is a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection and flatness of 1.6 mm over 685 mm length.

Certain Stainless Steel Foil for Automotive Catalytic Converters: This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030

percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of less than 0.002 or greater than 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent Magnet Iron-chromium-cobalt Alloy Stainless Strip: This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as "Arnokrome III."¹

Certain Electrical Resistance Alloy Steel: This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (ASTM) specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high-temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as "Gilphy 36."²

Certain Martensitic Precipitation-hardenable Stainless Steel: This high-strength, ductile stainless steel product is designated under the Unified Numbering System (UNS) as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787

mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as "Durphynox 17."³

Three Specialty Stainless Steels Typically Used in Certain Industrial Blades and Surgical and Medical Instruments: These include stainless steel strip in coils used in the production of textile cutting tools (e.g., carpet knives).⁴ This steel is similar to AISI grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as "GIN4 Mo."⁵ The second excluded stainless steel strip in coils is similar to AISI 420-J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent, and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per 100 square microns. An example of this product is "GIN5" steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, "GIN6."

Period of Review

The period of review ("POR") for which we are measuring subsidies is January 1, 2000, through December 31, 2000.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" from Susan H. Kuhbach, Senior Office Director, Import Administration to Faryar Shirzad, Assistant Secretary, Import Administration, dated September 23, 2002 ("Decision

Memorandum"), which is hereby adopted by this notice. Attached to this notice as Appendix II is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn/> under the heading "France." The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we calculated an individual subsidy rate for the producer/exporter subject to this administrative review. For the period January 1, 2000 through December 31, 2000, we determine the net subsidy rate for Usinor to be 1.90 percent *ad valorem*.

Due to the injunction issued December 22, 1999 by the U.S. Court of International Trade, we will not order liquidation of entries of stainless steel sheet and strip in coil from France at this time. Liquidation will occur at the rates described in this notice at such time as the injunction is lifted.

The cash deposit rates for all companies not covered by this review are not changed by the results of this review. Thus, we will instruct the United States Customs Service to continue to collect cash deposits for non-reviewed companies at the most recent rate applicable to the company. These rates shall apply to all non-reviewed companies until a review of the companies assigned these rates is completed. In addition, for the period January 1, 2000 through December 31, 2000, the assessment rates applicable to all non-reviewed companies covered by this order is the cash deposit rates in effect at the time of entry.

This notice serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

¹ "Arnokrome III" is a trade mark of the Arnold Engineering Company.

² "Gilphy 36" is a trademark of Imphy, S.A.

³ "Durphynox 17" is a trademark of Imphy, S.A.

⁴ This list of uses is illustrative and provided for descriptive purposes only.

⁵ "GIN4 Mo," "GIN5" and "GIN6" are the proprietary grades of Hitachi Metals America, Ltd.

This administrative review and notice are in accordance with section 751(a)(1) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I—List of Comments and Issues in the Decision Memorandum

Comment 1: 1995 Capital Increase for Usinor

Comment 2: Characterization of Programs

Providing No Benefit During the POR

Comment 3: Post-Privatization Treatment of

Usinor's Pre-Privatization Benefits

Comment 4: Appropriate AUL for Usinor

Comment 5: ECSC Article 55 Benefits

[FR Doc. 02-24783 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-614-803]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from New Zealand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT:

Salim Bhabhrawala at (202) 482-1784, or Tracy Levstik at (202) 482-2815, Office of AD/CVD Enforcement V, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (Department) regulations are to the regulations at 19 CFR part 351 (April 2001).

Final Determination

We determine that certain cold-rolled carbon steel flat products (cold-rolled steel) from New Zealand are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the *Continuation of Suspension of Liquidation* section of this notice.

Case History

On May 9, 2002, the Department published its preliminary determination in the above-captioned antidumping duty investigation. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cold-Rolled Carbon Steel Flat Products From New Zealand*, 67 FR 31231 (May 9, 2002) (*Preliminary Determination*).

Since the preliminary determination, the following events have occurred. In July 2002, we gave interested parties an opportunity to comment on the preliminary determination. There were no case or rebuttal briefs submitted. A public hearing was not requested.¹

With respect to scope, in the preliminary LTFV determinations in this and the companion cold-rolled steel investigations, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. *See Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (*see* the June 13, 2002, memorandum regarding “Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea” (*Preliminary Scope Rulings*), which is on file in the Department's Central Records Unit (CRU), room B-099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners²

¹ Normally, when the Department issues a final determination, the **Federal Register** notice is accompanied by a separate Issues and Decision Memorandum. Since no briefs were filed in this case, a separate memorandum is not required.

² The petitioners in this investigation are Bethlehem Steel Corporation, LTV Steel Company, Inc., Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc.,

and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a “correction” for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the *Scope of Investigation* section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in the *Scope Appendix* attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, *see* the memorandum regarding “Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea,” dated July 10, 2002, which is on file in CRU.

Period of Investigation

The period of investigation (POI) is July 1, 2000, through June 30, 2001. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, September 2001).

Analysis of Comments Received

As noted above, we received no comments from interested parties in response to our preliminary determination.

and Weirton Steel Corporation (collectively, the petitioners).

Facts Available

1. Application of Facts Available (FA)

Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information requested by the Department, (B) fails to provide such information by the deadline, or in the form or manner requested, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified, the Department shall use, subject to sections 782(d) and (e) of the Act, facts otherwise available in reaching the applicable determination.

Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if all of the following requirements are met: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

On May, 16 2002, the sole respondent, BHP New Zealand Steel Limited (NZS) notified the Department that it did not intend to participate further in the Department's investigation and requested the return of all of its data. NZS was notified by the Department in all correspondence concerning the due dates for submitting data that failure to submit the requested information by the date specified may result in use of the FA, as required by section 776(c) of the Act and section 351.308 of the Department's regulations. See letters from the Department to NZS dated November 19, 2001; January 9, 2002; January 23, 2002; February 15, 2002; April 29, 2002; and April 30, 2002. Because NZS withheld information requested by the Department essential to the calculation of dumping margins, thereby significantly impeding the conduct of this proceeding, we have applied FA to calculate the dumping margin, pursuant to sections 776(a)(2)(A) and (C) of the Act.

2. Selection of Adverse Facts Available (AFA)

In selecting from among the facts otherwise available, section 776(b) of the Act authorizes the Department to use an adverse inference if the Department finds that an interested party failed to cooperate by not acting to the best of its ability to comply with the request for information. See, e.g., *Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative*

Review, 62 FR 53808, 53819–20 (October 16, 1997). As a general matter, it is reasonable for the Department to assume that NZS possessed the records necessary for the Department to complete its investigation since it provided a nearly complete response before withdrawing it from the record. Therefore, by withdrawing the information the Department requested, NZS failed to cooperate to the best of its ability. As NZS failed to cooperate to the best of its ability, we are applying an adverse inference pursuant to section 776(b) of the Act. As AFA, we have assigned a margin of 21.72 percent, the sole rate derived from the petition. See *Initiation Notice* at 54205.

3. Corroboration of Information

Section 776(b) of the Act authorizes the Department to use as AFA information derived from the petition, the final determination from the LTFV investigation, a previous administrative review, or any other information placed on the record. Section 776(c) of the Act requires the Department to corroborate, to the extent practicable, secondary information used as FA. Secondary information is defined as "information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise." See Statement of Administrative Action (SAA) accompanying the URAA, H.R. Doc. No. 103–316 at 870 (1994) and 19 CFR 351.308(d). The SAA clarifies that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value (see SAA at 870).

The SAA also states that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation (see SAA at 870). In order to determine the probative value of the margins in the petition for use as AFA for purposes of this determination, we examined evidence supporting the calculations in the petition. We reviewed the adequacy and accuracy of the information in the petition during our pre-initiation analysis of the petition, to the extent appropriate information was available for this purpose. See New Zealand Initiation Checklist (Initiation Checklist) on file in the CRU, for a discussion of the margin calculation in the petition. In addition, in order to determine the probative value of the margin in the petition for

use as AFA for purposes of this determination, we examined evidence supporting the calculation in the petition. In accordance with section 776(c) of the Act, to the extent practicable, we examined the key elements of the export price (EP) and normal value (NV) calculations on which the margin in the petition was based.

Export Price

With respect to the margin in the petition, EP was based on average per-unit customs import value (AUV) data for one HTSUS category that accounted for a large portion of imports of subject merchandise from New Zealand during the period. The petitioners made no adjustments to EP because using an unadjusted AUV as the export price is a conservative methodology. Our review of the EP calculation indicated that the information in the petition has probative value, as the unadjusted AUV included in the margin calculation in the petition is from public sources and concurrent, for the most part, with the POI. Consequently, we consider EPs which are based on U.S. customs data corroborated. See *Certain Cut-to-Length Carbon Steel Plate from Mexico: Final Results of Antidumping Duty Administrative Review*, 64 FR 7684 (January 4, 1999) (Comment 13).

Normal Value

The petitioners calculated NV from price information obtained from foreign market research for grades and sizes of cold-rolled steel comparable to the products exported to the United States which serve as the basis for EP. The petitioners made no adjustment to NV. With regard to the NV contained in the petition, the Department has no useful information from the respondent or other interested parties and is aware of no other independent sources of information that would enable us to further corroborate the margin calculations in the petition. See *Initiation Checklist*. It is worth noting that the implementing regulation for section 776 of the Act states, "(t)he fact that corroboration may not be practicable in a given circumstance will not prevent the Secretary from applying an adverse inference as appropriate and using the secondary information in question." See 19 CFR 351.308(d). Additionally, the SAA at 870 specifically states that where "corroboration may not be practicable in a given circumstance, the Department need not prove that the facts available are the best alternative information." Therefore, based on our efforts, described above, to corroborate

information contained in the petition, and in accordance with section 776(c) of the Act, we consider the margins in the petition to be corroborated to the extent practicable for purposes of this final determination. Accordingly, in selecting AFA with respect to NZS, the Department applied the petition rate of 21.72 percent.

All Others

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-average dumping margins established for all exporters and producers individually investigated are zero or *de minimis*, or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated “All Others” rate for exporters and producers not individually investigated. This provision contemplates that the Department may weight-average margins other than zero, *de minimis*, and FA margins to establish the “All Others” rate. Where the data do not permit weight-averaging such rates, the SAA, at 873, provides that we may use other reasonable methods. As noted above, there was only one estimated margin derived from the petition. Therefore, we applied that margin of 21.72 percent as the “All Others” rate. See, e.g., *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia*, 66 FR 22163 (May 3, 2001).

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we are instructing the U.S. Customs Service (Customs) to continue to suspend liquidation of all imports of cold-rolled steel from New Zealand that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002 (the date of publication of the *Preliminary Determination* in the **Federal Register**). Customs shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following percentage margins exist for the period July 1, 2000, through June 30, 2001:

Manufacturer/exporter	Margin (percent)
BHP New Zealand Steel Limited (NZS)	21.72
All Others	21.72

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,
Assistant Secretary for Import Administration.
[FR Doc. 02-24784 Filed 10-2-02; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration
[C-580-849]

Notice of Final Affirmative Countervailing Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products From the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final affirmative countervailing duty determination.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl at (202) 482-1767 or Darla Brown at (202) 482-2849, Office of AD/

CVD Enforcement VI, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUMMARY: On March 4, 2002, the Department of Commerce (the Department) published in the **Federal Register** its preliminary affirmative determination in the countervailing duty investigation of certain cold-rolled carbon steel flat products (subject merchandise) from the Republic of Korea for the period of investigation (POI) calendar year 2000 (67 FR 9685).

The net subsidy rate in the final determination differs from that of the preliminary determination. The revised final net subsidy rate is listed below in the “Suspension of Liquidation” section of this notice.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department’s regulations are to the regulations codified at 19 CFR part 351 (2001).

Background

On March 4, 2002, the Department of Commerce (the Department) published in the **Federal Register** its preliminary affirmative determination in the countervailing duty investigation of certain cold-rolled carbon steel flat products from the Republic of Korea. See *Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products from the Republic of Korea*, 67 FR 9685 (March 4, 2002) (*Preliminary Determination*). This investigation covers the POI calendar year 2000.

We invited interested parties to comment on the *Preliminary Determination*. We received both case briefs and rebuttal briefs from interested parties. A public hearing was held on August 27, 2002. All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the “Issues and Decision Memorandum” (*Decision Memorandum*) dated September 23, 2002, which is hereby adopted by this notice.

With respect to scope, in the *Preliminary Determinations* in these cases, the Department preliminarily

excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding “Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea” (*Preliminary Scope Rulings*), which is on file in the Department’s Central Records Unit (CRU), room B–099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, the North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a “correction” for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department’s final decisions on the scope exclusion requests are addressed in the “Scope of Investigation” section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in “Appendix I” attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (August 14, 2002). For a complete discussion of the

comments received on the *Preliminary Scope Rulings*, see the memorandum regarding “Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea,” dated July 10, 2002, which is on file in the CRU.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is calendar year 2000.

Verification

As provided in section 782(i) of the Act, we conducted verification of the government responses from April 15 through 18, 2002. We also conducted verification of the responses of companies from April 17 through 25, 2002. We used standard verification procedures, including meeting with government and company officials and examining relevant accounting records and original source documents provided by the respondents. Our verification results are outlined in detail in the public versions of the verification reports, which are on file in the Central Records Unit of the Department of Commerce (Room B–099).

Analysis of Comments Received

A list of issues which parties have raised and to which we have responded, all of which are in the *Decision Memorandum*, is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in room B–099 of the Main Commerce Building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov>, under the heading “Federal Register Notices.” The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i)(I) of the Act, we have calculated individual rates for the companies under investigation. For the

period calendar year 2000, we determine the net subsidy rates for the investigated companies to be as follows:

Producer/exporter	Net subsidy rate
Dongbu Steel Co., Ltd. (Dongbu)	1.09 percent <i>ad valorem</i>
Hyundai Hysco (Hysco)	0.36 percent <i>ad valorem</i>
Pohang Iron & Steel Co., Ltd. (POSCO)	0.76 percent <i>ad valorem</i>
Union Steel Manufacturing Co., Ltd. (Union)	3.43 percent <i>ad valorem</i>
All Others Rate	1.09 percent <i>ad valorem</i>

In accordance with our preliminary affirmative determination, we instructed the U.S. Customs Service to suspend liquidation of all entries of certain cold-rolled carbon steel flat products from Korea, which were entered or withdrawn from warehouse, for consumption on or after March 4, 2002, the date of the publication of our preliminary determination in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed the U.S. Customs Service to discontinue the suspension of liquidation for merchandise entered on or after July 2, 2002, but to continue the suspension of liquidation of entries made between March 4, 2002 and July 1, 2002.

We will reinstate suspension of liquidation under section 706(a) of the Act for all entries if the ITC issues a final affirmative injury determination and will require a cash deposit of estimated countervailing duties for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided that the ITC confirms that it will not disclose such information, either publically or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Import Administration.

If the ITC determines that material injury, or threat of material injury, does not exist, these proceedings will be terminated. If however, the ITC determines that such injury does exist, we will issue a countervailing duty order.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I—Issues and Decision Memorandum

Methodology and Background Information

- I. The Net Subsidy Rate Attributable to Union Steel Manufacturing Co., Ltd. (Union)
- II. Subsidies Valuation Information
 - A. Allocation Period
 - B. Benchmarks for Loans and Discount Rate
 - C. Treatment of Subsidies Received by Trading Companies

Analysis of Programs

- I. Programs Conferring Subsidies
 - A. Pre-Shipment and Post-Shipment Export Financing
 - B. GOK Infrastructure Investment at Kwangyang Bay Through 1991
 - C. Research and Development (R&D)
 - D. Provision of Land at Asan Bay
 - E. POSCO's Exemption of Bond Requirement for Port Use at Asan Bay
 - F. Investment Tax Credits
 - G. Reserve for Export Loss—Article 16 of the TERCL
 - H. Reserve for Overseas Market Development under TERCL Article 17
 - I. Asset Revaluation Under Article 56(2) of the TERCL
 - J. Tax Reserve for Balanced Development under TERCL Article 41/ RSTA Article 58
 - K. Short-term Export Financing
 - L. Local Tax Exemption on Land outside of Metropolitan Area
 - M. Electricity Discounts under the Requested Load Adjustment Program
 - N. POSCO's Provision of Steel Inputs at Less than Adequate Remuneration
 - O. Dongbu's Excessive Exemptions under the Harbor Act
 - P. Exemption of VAT on Imports of Anthracite Coal
- II. Programs Determined To Be Not Countervailable
 - A. GOK Infrastructure Investments at Kwangyang Bay

- B. R&D Aid for Anthracite Coal Technology
- C. Asan Bay Infrastructure Subsidies
- D. Reserve for Energy-Saving Equipment (RSTA Article 30)
- III. Programs Determined To Be Not Used
 - A. Anthracite Coal for Less than Adequate Remuneration
 - B. Grants to Dongbu
 - C. Technical Development Fund (RSTA Article 9, formerly TERCL Article 8)
 - D. Export Insurance
- IV. Total Ad Valorem Rate
- V. Analysis of Comments
 - Comment 1: GOK Control of POSCO
 - Comment 2: POSCO's Provision of Hot-rolled Coil at Less than Adequate Remuneration
 - Comment 3: Exemption of VAT
 - Comment 4: Direction of Credit
 - Comment 5: Tax Programs
 - Comment 6: Research and Development Subsidies
 - Comment 7: The GOK's Provision of Infrastructure at Kwangyang Bay
 - Comment 8: The GOK's Provision of Infrastructure at Asan Bay
 - Comment 9: Provision of Land at Asan Bay: Land Price and Benchmark
 - Comment 10: Provision of Land at Asan Bay: Fees Waived
 - Comment 11: Exemption of Port Fees under the Harbor Act
 - Comment 12: POSCO's donation to POSTECH

[FR Doc. 02-24785 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-839]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT:

Magd Zalok at (202) 482-4162, or Martin Claessens at (202) 482-5451, Office of AD/CVD Enforcement V, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (Department)

regulations are to the regulations at 19 CFR part 351 (April 2002).

Final Determination

We determine that certain cold-rolled carbon steel flat products (cold-rolled steel) from Taiwan are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the *Continuation of Suspension of Liquidation* section of this notice.

Case History

On May 9, 2002, the Department published its preliminary determination in the above-captioned antidumping duty investigation. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cold-Rolled Carbon Steel Flat Products from Taiwan*, 67 FR 31255 (May 9, 2002) (*Preliminary Determination*). Since the preliminary determination, the following events have occurred. In May and June 2002, the Department verified the responses submitted by the sole participating respondent in this investigation, China Steel Corporation (CSC) and Yieh Loong Enterprise Co., Ltd (YL) (collectively CSC/YL). On August 29, 2002, we received case briefs from the petitioners¹ and CSC/YL. On September 4, 2002, we received rebuttal briefs from the petitioners and the respondent. A public hearing was not requested.

With respect to scope, in the preliminary LTFV determinations in this and the companion cold-rolled steel investigations, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. *See Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (*see the June 13, 2002, memorandum regarding "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan,*

¹ The petitioners in this investigation are Bethlehem Steel Corporation, LTV Steel Company, Inc., Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc., and Weirton Steel Corporation (collectively, the petitioners).

Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea" (*Preliminary Scope Rulings*), which is on file in the Department's Central Records Unit (CRU), room B-099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a "correction" for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the *Scope of Investigation* section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in the *Scope Appendix* attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the *Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea*, dated July 10, 2002, which is on file in CRU.

Period of Investigation

The period of investigation (POI) is July 1, 2000, through June 30, 2001. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, September 2001).

Verification

As provided in section 782(i) of the Act, we conducted verification of the cost and sales information submitted by the respondent. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the respondent.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping proceeding are listed in the appendix to this notice and addressed in the *Issues and Decision Memorandum (Decision Memorandum)* dated September 23, 2002, which is hereby adopted by this notice. The *Decision Memorandum* is on file in the CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov/frn/>. The paper and electronic versions of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Determination

Based on our findings at verification, and analysis of comments received, we have made adjustments in calculating the final dumping margin in this proceeding. These adjustments to the dumping margin are discussed in the *Decision Memorandum* for this investigation.

Use of Facts Available

In the *Preliminary Determination*, the Department applied total adverse facts available to the mandatory respondents, Kao Hsing Chang Iron & Steel Corporation (Kao Hsing), and Ton Yi Industrial Corporation (Ton Yi) because these two respondents failed to respond to the Department's questionnaire and instead chose not to participate in the investigation. As a result, the Department assigned Kao Hsing and Ton Yi the rate of 16.80 percent, the highest rate derived from the petition. See *Initiation Notice*. The interested parties did not object to the use of adverse facts available, or to the Department's choice of facts available. For this final determination, we are continuing to apply the same margin based on total adverse facts available to Kao Hsing and Ton Yi.

Critical Circumstances

In its preliminary determination of this investigation, the Department found that there was no history of dumping and material injury for cold-rolled steel imports from Taiwan. The Department also determined that the threshold to impute importer knowledge of sales at LTFV (*i.e.*, an antidumping margin of 25 percent or more for EP sales) was not met due to the fact that: (a) The preliminary margin calculated for CSC/YL was 3.15 percent; (b) the margin relied upon for the initiation of this investigation, and assigned to the non-responding companies (*i.e.*, Kao Hsing and Ton Yi), as adverse facts available, was 16.80 percent, which was based on an analysis conducted by the petitioners with the understanding that cold-rolled steel from Taiwan is sold to unaffiliated trading companies for export to the United States; and (c) it is the Department's practice to conduct its critical circumstances analysis of companies in the "All Others" category based on the experience of the investigated companies. Therefore, the Department assigned the "All Others" category the same rate as was calculated for CSC/YL.

Given that Taiwan had no history of dumping, and that the threshold to impute importer knowledge of sales at LTFV was not met, the Department preliminarily found no critical circumstances for Taiwan in this investigation. For further details, see *Preliminary Determination*.

Since the preliminary determination, we received no comments from the petitioners or the respondent regarding our preliminary finding that critical circumstances do not exist for imports of cold-rolled steel from Taiwan. Moreover, the margin calculated for CSC/YL for purposes of the final determination of this investigation continues to be less than 25 percent, the threshold for imputing knowledge of sales at LTFV. Therefore, we have not changed our determination and continue to find that critical circumstances do not exist for imports of cold-rolled steel from Taiwan.

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we are instructing the U.S. Customs Service (Customs) to continue to suspend liquidation of all imports of cold-rolled steel from Taiwan that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002 (the date of publication of the preliminary determination in the **Federal Register**). Customs shall

continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following weighted-average dumping margins exist for Taiwan:

Manufacturer/exporter	Margin (percent)
China Steel Corp./Yieh Loong ..	4.02
Kao Hsing Chang Iron & Steel	16.80
Ton Yi Industrial	16.80
All Others	4.02

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix—Issues Covered in Decision Memorandum

- I. Issues Specific to Sales
 Comment 1: Leeway Sales
 Comment 2: Model Match Criteria

I. Issues Specific to Costs

- Comment 3: Product-specific Costs
 Comment 4: Scrap and By-Product Offset
 Comment 5: Interest Expense
 Comment 6: G&A Expense

[FR Doc. 02-24786 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-357-817]

Final Negative Countervailing Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products From Argentina

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final negative determination in a countervailing duty investigation.

SUMMARY: The Department of Commerce ("the Department") has made a final determination that countervailable subsidies are not being provided to producers and exporters of certain cold-rolled carbon steel flat products from Argentina.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam, Andrew McAllister, or Jesse Cortes at (202) 482-0176, (202) 482-1174, or (202) 482-3986, respectively; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the "Act") by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the "Department") regulations are references to the provisions codified at 19 CFR part 351 (April 2001).

Petitioners

The petition in this investigation was filed by Bethlehem Steel Corp., United States Steel LLC., LTV Steel Co., Inc., Steel Dynamics, Inc., National Steel Corp., Nucor Corp., WCI Steel, Inc., and Weirton Steel Corp. (collectively, "the petitioners").

Case History

Since the publication of the preliminary determination in the **Federal Register** (see *Notice of Preliminary Negative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determinations: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 9670 (March 4, 2002) ("Preliminary Determination")), the following events have occurred:

From March 18, 2002 to March 23, 2002, we conducted a verification of the questionnaire responses submitted by the Government of Argentina ("GOA") and Siderar Sociedad Anonima Industrial Y Comercial ("Siderar").

On June 21 and 28, 2002, we received case and rebuttal briefs, respectively, from the petitioners and Siderar/GOA. On July 2, 2002, we held a public hearing at the request of the petitioners with respect to issues specific to this investigation.

With respect to scope, in the preliminary LTFV determinations in the companion cold-rolled steel investigations, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181, 31192 (May 9, 2002). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see Memorandum to Bernard T. Carreau, dated June 13, 2002, "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea" (*Preliminary Scope Rulings*), which is on file in the Department's Central Records Unit ("CRU"), room B-099 of the main Department building). We gave parties until June 20, 2002, to comment on the *Preliminary Scope Rulings*, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In

addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a "correction" for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the "Scope of Investigation" section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in the "Scope Appendix" attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (August 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see Memorandum to Bernard T. Carreau, dated July 10, 2002, "Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," which is on file in the CRU.

Injury Test

Because Argentina is a "Subsidies Agreement Country" within the meaning of section 701(b) of the Act, the U.S. International Trade Commission ("ITC") is required to determine whether imports of the subject merchandise from Argentina materially injure, or threaten material injury to, a U.S. industry. On November 19, 2001, the ITC published its preliminary determination finding a reasonable indication of material injury or threat of material injury to an industry in the United States by reason of imports of certain cold-rolled carbon steel flat products from Argentina. See *Certain Cold-Rolled Steel Products from Argentina, Australia, Belgium, Brazil, China, France, Germany, India, Japan,*

Korea, Netherlands, New Zealand, Russia, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, 66 FR 57985 (November 19, 2001).

Period of Investigation

The period of investigation ("POI") for which we are measuring subsidies corresponds to Siderar's fiscal year, July 1, 2000 through June 30, 2001.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the "Issues and Decision Memorandum" from Richard W. Moreland, Deputy Assistant Secretary, Import Administration to Faryar Shirzad, Assistant Secretary, Import Administration, dated September 23, 2002 ("*Decision Memorandum*"), which is hereby adopted by this notice. Attached to this notice as Appendix I is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in the CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn/> under the heading "Argentina." The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Suspension of Liquidation

In the *Preliminary Determination*, the total net countervailable subsidy rate was *de minimis* and, therefore, we did not suspend liquidation. For the instant determination, because the rate remains *de minimis*, we are not directing the Customs Service to suspend liquidation of certain cold-rolled carbon steel flat products from Argentina.

Notification of the International Trade Commission

In accordance with section 705(d) of the Act, we have notified the International Trade Commission of our determination.

Return or Destruction of Proprietary Information

This notice will serve as the only reminder to parties subject to Administrative Protective Order of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Failure to comply is a violation of the APO.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I—List of Comments and Issues in the Decision Memorandum

- Comment 1: Appropriate AUL for Siderar
- Comment 2: Application of the "Same Person" Test
- Comment 3: Specificity of Benefits Conferred During Privatization Process
- Comment 4: Reintegro
- Comment 5: Committed Investment
- Comment 6: Equity Infusions
- Comment 7: Exemption from Value Added Tax on Transfer of Assets
- Comment 8: Exemption from Stamp Tax
- Comment 9: Assumption of Voluntary Retirement/Severance Liabilities
- Comment 10: Assumption of Environmental Liabilities
- Comment 11: Appropriate Discount Rate for Non-Recurring Subsidies

[FR Doc. 02-24787 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-872]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of the final determination of the less-than-fair-value investigation of certain cold-rolled carbon steel flat products from the People's Republic of China.

SUMMARY: The Department of Commerce is issuing its final determination of the less-than-fair-value investigation of certain cold-rolled carbon steel flat products from the People's Republic of China.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT: Carrie Blozy at (202) 482-0409 or James Doyle at (202) 482-0159, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute, are references to the provisions effective January 1, 1995, the effective date of the amendments

made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR part 351 (2001).

Final Determination

We determine that certain cold-rolled carbon steel flat products (cold rolled steel) from the People's Republic of China (the PRC) are being sold, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the Continuation of Suspension of Liquidation section of this notice.

Case History

On May 9, 2002, the Department published its preliminary determination in the above-captioned antidumping duty investigation. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From the People's Republic of China*, 67 FR 31235 (May 9, 2002) (*Preliminary Determination*). This investigation was initiated on October 18, 2001.¹ *See Notice of Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela*, 66 FR 54198 (October 26, 2001) (*Initiation Notice*).

Since the preliminary determination, the following events have occurred. On May 7, 2002, pursuant to 19 CFR 351.224(c)(1) and (2), Pangang Economic and Trading Group Corporation (Pangang) requested that the Department correct alleged ministerial errors in its preliminary calculations of the margin for Pangang. Of the three errors alleged, the Department determined that only one of them constituted a ministerial error. *See Memorandum to Edward Yang: Antidumping Duty Investigation of Certain Cold-Rolled Carbon Steel Flat Products from the People's Republic of China: Analysis of Allegation of Ministerial Errors*, dated May 17, 2002 (Ministerial Error Memo). Specifically,

the Department found that it had overstated selling, general, and administrative expenses (SG&A) by including depreciation. *See id.* at 2. However, the Department did not find that the error constituted a significant ministerial error as defined under section 351.224(g), and stated that the error would be addressed in the final determination. *See id.* at 3.

On May 13, 2002, we received a joint request from the Chinese government and Pangang proposing a suspension agreement in accordance with the Department's regulations at 19 CFR 351.208. On June 26, 2002, the Department met with representatives of Pangang to discuss the proposed suspension agreement.

On May 20, 2002, Pangang submitted certain corrections and clarifications to Pangang's U.S. sales and factors of production data. The Department conducted a verification of Pangang's sales and factors of production data at Pangang's headquarters in Panzhihua, PRC, from May 27, 2002 through May 31, 2002. *See Verification of Sales and Factors of Production for Pangang Economic and Trading Group Corporation ("Pangang") in the Antidumping Duty Investigation of Certain Cold-Rolled Carbon Steel Flat Products from the People's Republic of China ("PRC")* (June 26, 2002).

On May 30, 2002, Pangang requested that the Department postpone its final determination in the investigation until 135 days after the date of the publication of the preliminary determination in the **Federal Register**. In addition, in accordance with 19 CFR 351.210(e)(2) Pangang requested that the Department extend the application of the provisional measures prescribed under section 733(d) of the Act to not more than six months. On June 20, 2002, the Department postponed the final determination until September 23, 2002. *See Notice of Postponement of Final Antidumping Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products From the People's Republic of China*, 67 FR 41954 (June 20, 2002).

On July 2, 2002, Pangang submitted comments and publicly available information from surrogate countries for the Department's consideration when valuing factors of production.

We gave interested parties an opportunity to comment on the preliminary determination. On July 12, 2002, petitioners and Pangang submitted case briefs with respect to the sales and factors of production verification and the Department's *Preliminary Determination*. Petitioners and Pangang submitted rebuttal briefs on July 18, 2002.

Scope of Investigation

With respect to scope, in the preliminary LTFV determinations in all of the cold-rolled steel investigation cases, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. *See Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (*see the June 13, 2002, memorandum regarding "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea"* (*Preliminary Scope Rulings*), which is on file in the Department's Central Records Unit (CRU), room B-099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a "correction" for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the following paragraph.

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in "Appendix I" attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain*

¹ The petitioners in this investigation are Bethlehem Steel Corporation, LTV Steel Company, Inc., National Steel Corp., Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc., and Weirton Steel Corporation (collectively, the petitioners).

Cold-Rolled Carbon Steel Flat Products from Australia, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding "Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," dated July 10, 2002, which is on file in the CRU.

Period of Investigation

The period of investigation (POI) is January 1, 2001, through June 30, 2001. This period corresponds to the two most recent fiscal quarters prior to the filing of the petition (*i.e.*, September 2001).

Final Critical Circumstances Determination

On November 29, 2001, and December 7, 2001, four of the petitioners in the investigation (Nucor Corporation, Steel Dynamics, Inc., WCI Steel, Inc., and Weirton Steel Company) submitted an allegation of critical circumstances with respect to imports of cold-rolled steel from Russia and requested an expedited decision in the matter. On April 10, 2002, the Department issued its preliminary affirmative determination that critical circumstances exist with respect to imports of cold-rolled steel from the PRC. *See Memorandum to Faryar Shirzad from Joseph A. Spetrini: Preliminary Affirmative Determinations of Critical Circumstances* (April 10, 2002); and *Notice of Preliminary Determinations of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From Australia, the People's Republic of China, India, the Republic of Korea, the Netherlands, and the Russian Federation*, 67 FR 19157 (April 18, 2002) (*Critical Circumstances Notice*). We received no comments regarding our preliminary finding that critical circumstances exist for imports of cold-rolled steel from the PRC and the final dumping margins are sufficient to impute importer knowledge of dumping. Therefore, we have not changed our determination and continue to find that critical circumstances exist for imports of cold-rolled steel from the PRC.

Nonmarket Economy Country Status

The Department has treated the PRC as a nonmarket economy (NME) country in all past antidumping investigations. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Certain Circular Welded Carbon-Quality Steel Pipe from the People's Republic of China*, 67 FR 36570, 36571 (May 24, 2002); *Notice of Final Determination of Sales at Less Than Fair Value: Structural Steel Beams from the People's Republic of China*, 67 FR 35479, 35480 (May 20, 2002); *Notice of Final Determination of Sales at Less Than Fair Value: Folding Metal Tables and Chairs from the People's Republic of China*, 67 FR 20090, 20091 (April 24, 2002). This NME designation remains in effect until it is revoked by the Department. *See* section 771(18)(C) of the Act. No party has sought revocation of the NME status in this investigation. Therefore, in accordance with section 771(18)(C) of the Act, we will continue to treat the PRC as a NME country for purposes of this investigation.

Separate Rates

In our preliminary determination, we found that Pangang had met the criteria for the application of a separate antidumping duty rate. For a more detailed discussion, *see* the Department's *Preliminary Determination*.

PRC-Wide Rate and Adverse Facts Available

In NME cases, it is the Department's policy to assume that all exporters located in the NME comprise a single exporter under common control, the "NME entity." This presumption can be rebutted. The Department assigns a single NME rate to the NME entity unless an exporter can demonstrate eligibility for a separate rate. As explained above, only Pangang received a separate rate. For the reasons set forth in the *Preliminary Determination*, we continue to find that the use of adverse facts available for the calculation of the PRC-wide rate is appropriate. *See* the *Preliminary Determination* for further discussion of this topic.

In our *Preliminary Determination*, as adverse facts available, we used the highest rate calculated for a respondent, *i.e.*, the rate calculated for Pangang. As explained below, in our final determination we have applied as adverse facts available for Pangang the calculated margin for Pangang from the *Preliminary Determination*, adjusted for a clerical error and certain corrected data (105.35 percent). For our final

determination, we have also applied this rate to the PRC-wide entity.

Verification

As provided in section 782(i) of the Act, we verified the information submitted by Pangang for use in our final determination. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by Pangang.

Analysis of Comments Received

As noted below, the Department has determined to apply total adverse facts available for the one participating respondent, Pangang, and to the PRC-wide entity. The Department finds it unnecessary to address the comments raised by the parties that do not pertain to the Department's total adverse facts available decision.

The Department recognizes that the respondent, Pangang, raised the following issues: (1) U.S. Sales through Third Parties; (2) Self-Produced Energy and Gas Factors; (3) Valuation of Oxygen, Nitrogen, and Argon; (4) Valuation of Electricity; (5) Valuation of Iron Ore; (6) Valuation of Aluminum; (7) Valuation of Steam Coal; (8) Valuation of SG&A, Interest and Profit; (9) Inland Freight Distance; and (10) SG&A Ratio Clerical Errors. However, based on our determination to use total adverse facts available, the Department finds it unnecessary to address these comments.

The Department recognizes that petitioners raised the following issues: (1) U.S. Sales through Third Parties; (2) Valuation of Oxygen, Nitrogen, and Argon; (3) Valuation of Hydrogen Gas; (4) Treatment of Defective Hot-Rolled Sheets; (5) Valuation of Iron Ore; (6) Valuation of Aluminum; (7) Valuation of Electricity; (8) Valuation of Coal Used to Produce Coke; (9) Valuation of Water; (10) Valuation of Recycled Iron Angle; and (11) Valuation of SG&A, Interest and Profit. However, based on our determination to use total adverse facts available, the Department finds it unnecessary to address these comments.

All issues raised in the case and rebuttal briefs to this investigation pertaining to total adverse facts available are addressed in the *Issues and Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary, to Faryar Shirzad, Assistant Secretary* (September 23, 2002) (*Decision Memorandum*), which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, and other issues addressed, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues

raised in this investigation and the corresponding recommendations in the *Decision Memorandum*, a public memorandum which is on file at the U.S. Department of Commerce, in the Central Records Unit, in room B-099. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Determination

We have adjusted the calculation methodology used in the *Preliminary Determination* to correct for a clerical error and certain corrected data. See *Analysis for the Final Determination of Cold-Rolled Carbon Steel Flat Products from the People's Republic of China: Pangang Group International Economic & Trading Corp.*, dated September 23, 2002.

Use of Facts Available

Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information requested by the Department, (B) fails to provide such information by the deadline for submission of the information, or in the form and manner requested, (C) significantly impedes a proceeding under the antidumping statute, or (D) provides information that cannot be verified, the Department shall use, subject to sections 782(d) of the Act, facts otherwise available in reaching the applicable determination.

Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if all of the following requirements are met: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

During verification the Department discovered that Pangang failed to report a significant percentage of its U.S. sales volume of subject merchandise during the POI. This sales volume accounts for a substantial percentage of Pangang's U.S. sales volume of subject merchandise during the POI. Thus, we find that Pangang withheld information requested by the Department, and have applied facts available pursuant to section 776(a)(2) of the Act. Section 776(b) of the Act provides that, if the Department finds that an interested

party "has failed to cooperate by not acting to the best of its ability to comply with a request for information," the Department may draw an inference that is adverse to the interests of that party in selecting from among the facts otherwise available. In light of the circumstances surrounding Pangang's failure to report a substantial portion of its U.S. sales volume, we determine that Pangang has failed to cooperate to the best of its ability and have applied adverse facts available to Pangang. For a complete discussion of our analysis, see the *Decision Memorandum* and memorandum *Determination of Facts Available for Pangang Economic and Trading Group Corporation in Certain Cold-Rolled Carbon Steel Flat Products from the People's Republic of China*, dated September 23, 2002.

Suspension Agreement

As discussed above under "Background," on May 13, 2002, we received a joint request from the Chinese government and Pangang proposing a suspension agreement in accordance with the Department's regulations at 19 CFR 351.208. On June 26, 2002, the Department met with representatives of Pangang to discuss the proposed suspension agreement. No agreement was concluded.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the U.S. Customs Service (Customs) to continue to suspend liquidation of all imports of subject merchandise entered, or withdrawn from warehouse, for consumption on or after 90 days prior to the May 9, 2002 (date the date of publication of the *Preliminary Determination* in the **Federal Register**). We will instruct Customs to continue to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP, as indicated below. These suspension of liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

COLD-ROLLED CARBON STEEL FLAT PRODUCTS

Producer/manufacturer/exporter	Weighted-average margin (percent)
Pangang	105.35
PRC-Wide Rate	105.35

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,
Assistant Secretary for Import Administration.

Appendix I

- Comment 1: Application of Adverse Facts Available
- Comment 2: U.S. Sales through Third Parties
- Comment 3: Self-Produced Energy and Gas Factors
- Comment 4: Valuation of Oxygen, Nitrogen, and Argon
- Comment 5: Valuation of Electricity
- Comment 6: Valuation of Hydrogen Gas
- Comment 7: Treatment of Defective Hot-Rolled Sheets
- Comment 8: Valuation of Iron Ore
- Comment 9: Valuation of Aluminum
- Comment 10: Valuation of Coal Used to Produce Coke
- Comment 11: Valuation of Steam Coal
- Comment 12: Valuation of Water
- Comment 13: Valuation of Recycled Iron Angle
- Comment 14: Valuation of SG&A, Interest and Profit
- Comment 15: Inland Freight Distance

Comment 16: SG&A Ratio Clerical Errors
[FR Doc. 02-24788 Filed 10-2-02; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-427-823]

Final Affirmative Countervailing Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products From France

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final affirmative determination in a countervailing duty investigation.

SUMMARY: The Department of Commerce has made a final determination that countervailable subsidies are being provided to certain producers and exporters of certain cold-rolled carbon steel flat products from France. For information on the estimated countervailing duty rates, please see the "Suspension of Liquidation" section, below.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam at (202) 482-0176; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the "Act") by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the "Department") regulations are references to the provisions codified at 19 CFR part 351 (April 2001).

Petitioners

The petition in this investigation was filed by Bethlehem Steel Corp., United States Steel LLC., LTV Steel Co., Inc., Steel Dynamics, Inc., National Steel Corp., Nucor Corp., WCI Steel, Inc., and Weirton Steel Corp. (collectively, "the petitioners").

Case History

Since the publication of the preliminary determination in the

Federal Register (see *Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determinations: Certain Cold-Rolled Carbon Steel Flat Products from France*, 67 FR 9662 (March 4, 2002) ("Preliminary Determination")), the following events have occurred:

From April 15, 2002 to April 19, 2002, we conducted a verification of the questionnaire responses submitted by the Government of France ("GOF") and Usinor.

On May 24 and 31, 2002, we received case briefs and rebuttals, respectively, from the petitioners and Usinor/GOF. On June 4, 2002, we held a public hearing at the request of both the petitioners and Usinor/GOF.

With respect to scope, in the preliminary LTFV determinations in the companion cold-rolled steel investigations, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181, 31192 (May 9, 2002). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see Memorandum to Bernard T. Carreau, dated June 13, 2002, "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea" (*Preliminary Scope Rulings*), which is on file in the Department's Central Records Unit ("CRU"), room B-099 of the main Department building). We gave parties until June 20, 2002, to comment on the *Preliminary Scope Rulings*, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a "correction" for an already excluded product. On July 8,

2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the "Scope of Investigation" section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in the "Scope Appendix" attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (August 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see Memorandum to Bernard T. Carreau, dated July 10, 2002, "Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," which is on file in the CRU.

Injury Test

Because France is a "Subsidies Agreement Country" within the meaning of section 701(b) of the Act, the U.S. International Trade Commission ("ITC") is required to determine whether imports of the subject merchandise from France materially injure, or threaten material injury to, a U.S. industry. On November 19, 2001, the ITC published its preliminary determination finding a reasonable indication of material injury or threat of material injury to an industry in the United States by reason of imports of certain cold-rolled carbon steel flat products from France. See *Certain Cold-Rolled Steel Products from Argentina, Australia, Belgium, Brazil, China, France, Germany, India, Japan, Korea, Netherlands, New Zealand, Russia, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela*, 66 FR 57985 (November 19, 2001).

Period of Investigation

The period of investigation for which we are measuring subsidies is the calendar year 2000.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the "Issues and Decision Memorandum" from Susan H. Kuhbach, Senior Office Director, Import Administration to Faryar Shirzad, Assistant Secretary, Import Administration, dated September 23, 2002 ("*Decision Memorandum*"), which is hereby adopted by this notice. Attached to this notice as Appendix I is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in the CRU, room B-099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn/> under the heading "France." The paper copy and electronic version of the Decision Memorandum are identical in content.

Suspension of Liquidation

As a result of our *Preliminary Determination*, we instructed the Customs Service to suspend liquidation of all entries of certain cold-rolled carbon steel flat products from France which were entered or withdrawn from warehouse, for consumption on or after March 4, 2002, the date of the publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed Customs to discontinue the suspension of liquidation for merchandise for countervailing duty purposes entered on or after July 2, 2002, but to continue the suspension of liquidation of entries made from March 4, 2001 through July 1, 2001.

We have calculated an individual net subsidy rate for each manufacturer of the subject merchandise pursuant to section 705(c)(1)(B)(i) of the Act. In accordance with sections 777A(e)(2)(B) and 705(c)(5)(A) of the Act, we have set the "all others" rate as Usinor's rate. We determine the total estimated net countervailable subsidy rates to be:

Producer/exporter	Net subsidy rate (percent)
Usinor	1.27
All Others	1.27

We will issue a countervailing duty order and reinstate the suspension of liquidation under section 706(a) of the Act if the ITC issues a final affirmative injury determination and will require a cash deposit of estimated countervailing duties for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an Administrative Protective Order ("APO"), without the written consent of the Assistant Secretary for Import Administration.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I—List of Comments and Issues in the Decision Memorandum

Comment 1: Post-Privatization Treatment of Usinor's Pre-Privatization Benefits
 Comment 2: Appropriate AUL for Usinor
 Comment 3: SODI Advances
 Comment 4: Funding for Electric Arc Furnace and Myosotis Projects
 Comment 5: ECSC Article 56 Funding
 Comment 6: Appropriate Sales Value
 Comment 7: 1995 Capital Increase

Comment 8: ECSC Article 55 Benefits and Professional Training Grant

[FR Doc. 02–24789 Filed 10–2–02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-421-810]

Notice of Final Determination of Sales at Less Than Fair Value and Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From The Netherlands

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT: David Salkeld or Jim Neel, AD/CVD Enforcement Office VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1168 or (202) 482-4161, respectively.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 ("the Act") by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to Department of Commerce ("the Department") regulations refer to the regulations codified at 19 CFR part 351 (2002).

Final Determination

We determine that certain cold-rolled carbon steel flat products from The Netherlands are being sold, or are likely to be sold, in the United States at less than fair value ("LTFV"), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the Continuation of Suspension of Liquidation section of this notice.

Case History

The preliminary determination in this investigation was published on May 9, 2002. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cold-Rolled Carbon Steel Flat Products from the Netherlands*, 67 FR 31268 (May 9, 2002). Since the issuance of the preliminary determination, the following events have occurred:

On May 1, 2002, Corus Staal BV (“CSBV”), the sole respondent in the investigation, and the largest exporter/producer of imports during the period of investigation requested that the Department postpone the final determination to 135 days after the publication of the preliminary determination and requested that the Department extend the provisional measures period from four months to a period not longer than six months. Pursuant to section 733(b) of the Act, on June 19, 2002, the Department postponed the final determination until no later than September 23, 2002 (*i.e.*, 135 days after publication of the preliminary determination). See *Certain Cold-Rolled Carbon Steel Flat Products from The Netherlands: Postponement of Final Determination of Sales at Less Than Fair Value*, 67 FR 43280 (June 27, 2002).

In May and June 2002, the Department verified the responses submitted by the respondent in this investigation, CSBV and its affiliates Corus Steel USA, Inc. (“CSUSA”), Rafferty-Brown Inc. of Connecticut (“RBC”) and Rafferty-Brown Inc. of North Carolina (“RBN”). CSBV and CSUSA are collectively referred to as “Corus.” Verification reports were issued in July 2002. Public versions of these reports, and all other Departmental memoranda referred to herein, are on file in the Central Records Unit, room B-099 of the main Commerce building. On May 20, 2002, petitioner Nucor Corporation requested a public hearing. On August 9, 2002, we received case briefs from the petitioners¹ and the respondent. On August 16, 2002, we received rebuttal briefs from the petitioners and the respondent. On August 27, 2002, petitioner Nucor Corporation withdrew its request for a public hearing and asked that the hearing be cancelled. The hearing scheduled for September 5, 2002, was cancelled on September 3, 2002.

With respect to scope, in the preliminary LTFV determinations in these cases, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value*:

¹ The active petitioners for this investigation are Bethlehem Steel Corporation, National Steel Corporation, Nucor Corporation, and United States Steel LLC (collectively, the petitioners). LTV is no longer an active participant in this investigation. See Letter from Skadden, Arps, Sltate, Meagher & Flom LLP (February 1, 2002). Effective January 1, 2002, the party previously known as “United States Steel LLC” changed its name to “United States Steel Corporation.”

Certain Cold-Rolled Carbon Steel Flat Products from Argentina, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding “Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea” (*Preliminary Scope Rulings*), which is on file in the Department’s Central Records Unit (CRU), room B-099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a “correction” for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department’s final decisions on the scope exclusion requests are addressed in the “Scope of Investigation” section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in “Appendix I” attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (August 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding “Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty

Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea,” dated July 10, 2002, which is on file in the CRU.

Period of Investigation

The period of investigation (POI) is July 1, 2000 through June 30, 2001. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, September 2001).

Verification

As provided in section 782(i) of the Act, we conducted verification of the cost and sales information submitted by the respondent. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the respondent.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping proceeding are listed in the appendix to this notice and addressed in the *Issues and Decision Memorandum from Holly A. Kuga to Faryar Shirzad RE: the Antidumping Duty (“AD”) Investigation of Certain Cold-Rolled Carbon Steel Flat Products from The Netherlands*, (“*Decision Memorandum*”), dated September 23, 2002, which is on file in room B-099 of the main Department of Commerce building, and which is hereby adopted. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov/>. The paper and electronic versions of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Determination

Based on our findings at verification, and analysis of comments received, we have made adjustments to the preliminary determination in calculating the final dumping margin in this proceeding. These adjustments are discussed in the *Decision Memorandum* for this investigation, and include:

—Excusing Corus from reporting downstream sales by its bankrupt affiliate GalvPro;

- Excluding Corus' sales to its affiliate GalvPro from the U.S. sales database;
- Adding RBC galvanizing costs to the further manufacturing field;
- Calculating a revised bad debt expense for CSBV;
- Correcting clerical errors identified at verification;
- Revising the VCOM field in the cost of production and constructed value calculations;
- Revising further manufacturing general and administrative ("G&A") expenses; and
- Calculating a separate G&A rate for each further manufacturing company.

Use of Facts Available

For a discussion of our application of facts available, see the "Facts Available" section of the *Decision Memorandum*, which is on file in B-099 and available on the Web at ia.ita.doc.gov/frn/frnhome.

Critical Circumstances

Section 733(e)(1) of the Act provides that if a petitioner alleges critical circumstances, the Department will determine, on the basis of the information available at the time, whether there is a reasonable basis to believe or suspect that (i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew, or should have known that the exporter was selling the subject merchandise at LTFV and that there would be material injury by reason of such sales (see 733(e)(1)(A)(i) and (ii)), and there have been massive imports of the subject merchandise over a relatively short period (section 733(e)(1)(B)).

In the *Notice of Preliminary Determinations of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From Australia, the People's Republic of China, India, the Republic of Korea, the Netherlands, and the Russian Federation*, 67 FR 19157 (April 18, 2002), we preliminarily found that both criteria for critical circumstances, *i.e.*, a history of injurious dumping and massive imports of subject merchandise, exist. For the reasons discussed in the *Decision Memorandum*, we continue to find that critical circumstances exist in this final determination pursuant to section 735(a)(3) of the Act.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing

the Customs Service to continue to suspend liquidation of all entries of certain cold-rolled carbon steel flat products from The Netherlands that are entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days prior to the date of publication of the preliminary determination. The Customs Service shall continue to require a cash deposit or the posting of a bond based on the estimated weighted-average dumping margins shown below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following weighted-average dumping margins exist for The Netherlands:

Manufacturer/exporter	Margin (percent)
Corus Staal BV	6.28
All Others	6.28

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determinations. The ITC will determine, within 45 days, whether imports of subject merchandise from the Netherlands are causing material injury, or threaten material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceedings will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue antidumping orders directing Customs Service officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shizad,

Assistant Secretary for Import Administration.

Appendix—Issues Covered in Decision Memorandum

Sales Issues

1. Excusing Corus from reporting downstream sales by its bankrupt affiliate GalvPro, LP ("GalvPro")
2. Missing payment dates for certain U.S. sales
3. Rafferty-Brown Inc. of Connecticut ("RBC") galvanizing costs
4. Scrap Recovery Offset to U.S. warranty expenses
5. Applying adverse facts available to calculate Corus' less than fair value ("LTFV") margins
6. Sufficiency of petition to provide the basis for initiation
7. Classifying Corus' U.S. sales as export price ("EP") sales or constructed export price ("CEP") sales
8. CEP offset
9. Whether GalvPro's unpaid sales should be treated as a bad debt expense
10. Critical circumstances
11. "Zeroing" methodology
12. Clerical error in the margin program
13. Clerical Errors Identified at Verification
14. Variable Cost of Manufacture ("VCOM") Calculation

Cost Issues

15. Non-Prime Offset to Standard Costs
16. General and Administrative ("G&A") Expenses
17. Corporate Rationalization Charges—G&A Expenses
18. Extraordinary Charges—G&A Expenses
19. Further-Manufacturing Overhead
20. Further-Manufacturing G&A Expenses
21. Inter-company Charges—Further-Manufacturing G&A Expenses
22. Corporate Rationalization versus Group G&A—Further-Manufacturing G&A Expenses

[FR Doc. 02-24790 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-822]

Notice of Final Determination of Sales at Less Than Fair Value; Certain Cold-Rolled Carbon Steel Flat Products From France

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT:

Angelica Mendoza, John Drury or Abdelali Elouaradia at (202) 482-3019, (202) 482-0195 and (202) 482-1374, respectively; AD/CVD Enforcement,

Office 8, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce (Department) regulations are to the regulations at 19 CFR part 351 (April 2001).

Final Determination

We determine that certain cold-rolled carbon steel flat products (cold-rolled steel) from France are being sold, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice.

Case History

On May 4, 2001, the Department issued its negative preliminary determination in this proceeding. See Notice of Preliminary Determination of Sales at Not Less than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from France, 67 FR 31204 (May 9, 2002) (Preliminary Determination). That preliminary determination covered the following manufacturer/exporter, Usinor Group (Usinor). Since the publication of the Preliminary Determination the following events have occurred.

On May 21, 2002, the Department published in the **Federal Register** its amended preliminary determination. See Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from France, 67 FR 37387 (May 29, 2002) (Amended Prelim).

On May 23, 2002, Usinor requested that the Department postpone its final determination until not later than 135 days after the date of the publication of the preliminary determination in the **Federal Register** and requested an extension of the provisional measures. On June 6, 2002, we extended the final determination until not later than 135 days after the publication of the preliminary determination in the **Federal Register**. See Notice of Postponement of Final Determination of Antidumping Duty Investigation: Certain Cold-Rolled Carbon Steel Flat

Products from France, 67 FR 40911–01 (June 14, 2002).

The Department verified sections A and B of Usinor's responses from May 13, 2002, through May 24, 2002, at Usinor's facilities in Florange (for Sollac Atlantique S.A., Sollac Lorraine, S.A., and Usinor Packaging, S.A.), Montataire (Société Lorraine de Produits Metallurgiques (SLPM)), and Rheims, France (Produits d'Usines Metallurgiques (PUM)). From June 17, 2002, through June 19, 2002, the Department verified section C of Usinor's responses at Usinor Steel Corporation, Inc.'s (USC), its U.S. affiliate, headquarters in New York, New York. The Department also verified section D of Usinor's responses from June 19, 2002, through June 28, 2002, at Usinor's facilities in Florange, France. See Memorandum For the File; "Home Market Sales Verification of Section B Questionnaire Responses Submitted by Usinor in the Antidumping Duty Investigation of Certain Cold-Rolled Carbon Steel Flat Products," July 25, 2002 (Verification Report), to Richard Weible, Director, Office 8; "United States Sales Verification of Section C Questionnaire Responses Submitted by Usinor in the Antidumping Duty Investigation of Certain Cold-Rolled Carbon Steel Flat Products from France," July 24, 2002 (U.S. Verification Report), to Neal M. Halper, Director, Office of Accounting; "Verification Report on the Cost of Production and Constructed Value Data Submitted by Usinor," July 17, 2002 (Cost Verification Report). Public versions of these, and all other Departmental memoranda referred to herein, are on file in the Central Records Unit, room B-099 of the main Commerce building.

On May 20, 2002, one of the petitioners (Nucor Corporation) requested a public hearing in this investigation. The remaining petitioners (Bethlehem Steel Corporation, National Steel Corporation, United States Steel Corporation, Steel Dynamics, Inc., WCI Steel, Inc., and Weirton Steel Corporation) requested a public hearing on June 10, 2002. We did not receive a request for hearing from Usinor. On August 9, 2002, the petitioner which first requested a public hearing withdrew its request for a public hearing. On August 12, 2002, the remaining petitioners withdrew their request for a public hearing. On August 7, 2002, we received case briefs from Usinor and petitioners. We received rebuttal briefs from all parties on August 12, 2002.

With respect to scope, in the preliminary LTFV determinations in these cases, the Department

preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, 67 FR 31181 (May 9, 2002) (Scope Appendix—Argentina Preliminary LTFV Determination). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea" (Preliminary Scope Rulings), which is on file in the Department's Central Records Unit (CRU), room B-099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a "correction" for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the Preliminary Scope Rulings on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the "Scope of Investigation" section below.

Period of Investigation

The period of investigation (POI) is July 1, 2000, through June 30, 2001.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, to Faryar Shirzad, Assistant Secretary for Import

Administration, dated September 23, 2002, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B-099.

In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at <http://www.ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in "Appendix I" attached to the Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia, 67 FR 52934 (August 14, 2002). For a complete discussion of the comments received on the Preliminary Scope Rulings, see the memorandum regarding "Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," dated July 10, 2002, which is on file in the CRU.

Changes Since the Preliminary Determination

Based on our analysis of comments received and findings at verification, we have made certain changes in the margin calculations. These changes are noted in various sections of the Decision Memorandum, accessible in B-099 and on the Web at <http://www.ia.ita.doc.gov/frn>.

Use of Facts Available

In accordance with section 776 of the Act, we have determined that the use of facts available is appropriate for certain portions of our analysis of Usinor. For a discussion of our determination with

respect to these matters, see the Decision Memorandum.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B)(ii) of the Act, for Usinor, we are directing the Customs Service to continue to suspend liquidation of all entries of subject merchandise from France that are entered, or withdrawn from warehouses, for consumption on or after May 29, 2002, the date of publication of the Amended Preliminary Determination in the **Federal Register**. The Customs Service shall continue to require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. This suspension-of-liquidation instruction will remain in effect until further notice.

We determine that the following weighted-average dumping margins exist for the period July 1, 2000, through June 30, 2002:

Manufacturer/exporter	Margin (percent)
Usinor Group	11.59
All Others	11.59

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I—Issues in Decision Memorandum

1. Downstream Sales to Affiliated Parties
2. Collapsing of Downstream Producers
3. "Exempted" Steel Service Centers that Failed the Arm's-Length Test

4. Constructed Export Price (CEP) Offset
5. CEP Profit
6. Home Market Indirect Selling Expenses
7. Home Market Credit Expense
8. Home Market Credit Expense for Sales by SLPM
9. Home Market Inventory Carrying Cost
10. Home Market Movement Expenses
11. Home Market Warranty Expense
12. Home Market Adjustment to Normal Value
13. Commissions Paid to Affiliated Parties
14. Inland Freight to Warehouse Expense for Sales by SLPM
15. U.S. Indirect Selling Expense
16. USC's Accounts Receivables Securitization Program
17. U.S. Credit Expense Calculation
18. U.S. Movement Expenses
19. U.S. Sales Not Previously Reported
20. U.S. Sales of "Non-Prime" Merchandise
21. Weighted-Average Margin Calculation—Zeroing Negative Margins
22. Unreconcilable Differences
23. By-Product Offset
24. Rail Rental Revenues
25. Major Input Rule—Sales to Affiliated Resellers
26. Major Input Rule—Usinor Purchases from Affiliates
27. Disregarded Transactions
28. Miscellaneous Selling, General and Administrative (SG&A) Related Accruals and Provisions
29. SG&A Expenses—Accelerated Tax Depreciation
30. SG&A Expenses—Foreign Exchange Losses

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-428-834]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold Rolled Carbon Steel Flat Products From Germany

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT:

Anya Naschak, Helen Kramer, or Abdelali Elouaradia at (202) 482-0405, (202) 482-6375, or (202) 482-1374, respectively; Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to

the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (Department) regulations are to the regulations at 19 CFR part 351 (April 2001).

Final Determination

We determine that certain cold-rolled carbon steel flat products (cold-rolled steel) from Germany are being, or are likely to be, sold in the United States at less than fair value (LFTV), as provided in section 735 of the Act. The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

This investigation was initiated on October 18, 2001.¹ See *Notice of Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela*, 66 FR 54198 (October 26, 2001). We published in the **Federal Register** the preliminary determination in this investigation on May 9, 2002. See *Notice of Preliminary Determination of Sales at Not Less Than Fair Value and Postponement of Final Determination: Certain Cold Rolled Carbon Steel Flat Products from Germany*, 67 FR 31212 (May 9, 2002) (*Preliminary Determination*). We published in the **Federal Register** the amended preliminary determination in this investigation on May 29, 2002. See *Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Germany*, 67 FR 37385 (May 29, 2002) (*Amended Preliminary Determination*).

Since the publication of the Preliminary Determination the following events have occurred.

With respect to scope, in the preliminary LFTV determinations in these cases, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value*:

Certain Cold-Rolled Carbon Steel Flat Products from Argentina, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LFTV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea" (Preliminary Scope Rulings), which is on file in the Department's Central Records Unit (CRU), room B-099 of the main Department building). We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a "correction" for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the Preliminary Scope Rulings on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the "Scope of Investigation" section below.

On April 26, 2002, we issued additional supplemental questionnaires for sections B through E to the respondent, Thyssen Krupp Stahl AG (Thyssen). Thyssen submitted its response to the supplemental sections B through E questionnaires on May 13, 2002. The Department received requests for a public hearing on May 20, 2002, and June 10, 2002, from petitioners, and from Thyssen on June 5, 2002. All parties withdrew their requests for a public hearing.

The Department verified sections A and B of Thyssen's responses from May 21, 2002, to May 25, 2002, at Thyssen's facilities in Duisburg, Germany; at Thyssen's trading company from May

27, 2002, to May 29, 2002, in Langenfeld, Germany, and at Thyssen's affiliated company on May 31, 2002, in Andernach, Germany. The Department also verified section D of Thyssen's response from May 27, 2002, to May 31, 2002, at Thyssen's facilities. Additionally, the Department verified sections E of Thyssen's responses from June 10, 2002, to June 14, 2002, at Thyssen's affiliated companies in Detroit, Michigan, and verified section C of Thyssen's response from June 17, 2002, to June 21, 2002, at Thyssen's affiliated companies in Detroit, Michigan. See Memorandum to the File: "Sales Verification of Sections A and B Questionnaire Responses Submitted by Thyssen Krupp Stahl AG," July 23, 2002, (Home Market Verification Report); Memorandum to the File: "Sales Verification of Sections A and C Questionnaire Responses Submitted by Thyssen Krupp Stahl AG," July 23, 2002, (U.S. Verification Report); Memorandum to Neal Halper, Director, Office of Accounting: "Verification Report on the Cost of Production and Constructed Value," July 22, 2002, (Cost Verification Report); and Memorandum to Neal Halper, Director, Office of Accounting: "Verification Report on the Further Manufacturing Cost Data," July 31, 2002, (Further Manufacturing Cost Verification Report). Public version of these and all other departmental memoranda referred to herein are on file in the CRU room B-099 of the main Commerce building.

On August 9, 2002, the Department received case briefs from Thyssen and petitioners. On August 14, 2002, the Department received rebuttal briefs from Thyssen and petitioners. On August 26, 2002, the Department met with counsel for Thyssen. See Memorandum to the File regarding Ex-Parte Meeting with Counsel for Respondent, dated August 26, 2002.

Period of Investigation

The POI is July 1, 2000, through June 30, 2001. This period corresponds to the four most recent fiscal quarters prior to the filing of the petition in September 2001.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. For a full description of the scope of this investigation, as well as a complete discussion of all scope exclusion requests submitted in the context of the on-going cold-rolled steel investigations, please see the "Scope Appendix" attached to the *Notice of Correction to Final Determination of*

¹ The petitioners in this investigation are Bethlehem Steel Corporation, LTV Steel Company, Inc., Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc., and Weirton Steel Corporation (collectively, petitioners).

Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia, 67 FR 52934 (August 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding "Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," dated July 10, 2002, which is on file in the CRU.

Analysis of Comments Received

All issues raised in the case briefs by parties to this proceeding and to which we have responded are listed in the Appendix to this notice and addressed in the *Issues and Decision Memorandum for the Antidumping Investigation of Cold Rolled Carbon Steel Flat Products from Germany; Notice of Final Determination of Sales at Less Than Fair Value* (Decision Memo), which is adopted by this notice. Parties can find a complete discussion of the issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B-099 of the main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of comments received and findings at verification, we have made certain changes in the margin calculation. These changes are noted in various sections of the Decision Memo, accessible in B-099 and on the World Wide Web at <http://www.ia.ita.doc.gov/frn>.

Use of Facts Available

In the *Preliminary Determination*, the Department based the dumping margin for Thyssen in part on facts available pursuant to section 776(b) of the Act. The use of facts available was warranted because Thyssen failed to supply the

information the Department requested for downstream home market sales made by its affiliated trading companies/service centers. Moreover, the Department found that Thyssen failed to cooperate by not acting to the best of its ability. As a result, pursuant to section 776(b) of the Act, the Department used an adverse inference in selecting from the facts available. Specifically, for the *Preliminary Determination*, the Department assigned Thyssen (by control number) the highest gross unit price and the lowest or highest adjustments—whichever is adverse—for sales in the home market within two widths corresponding to a portion of the widths sold by Thyssen's affiliated service centers (see Thyssen's March 19, 2002, supplemental section B response), and the revised amounts were used to calculate normal value (NV). For a complete explanation of both the selection and application of these facts available, see e.g. *Preliminary Determination* and Memorandum to the File, regarding the Preliminary Determination Analysis, dated April 26, 2002.

In accordance with section 776 of the Act, we have determined that, due to Thyssen's continued refusal to supply the information requested by the Department on its home market downstream sales by its affiliates despite its ability to do so, and due to Thyssen's continued failure to act to the best of its ability, the use of adverse facts available is appropriate in this final determination. Accordingly, we have applied the highest gross unit price and the lowest or highest adjustments—whichever is adverse—by control number to all sales in the home market. For a discussion of our determination with respect to these matters, see Decision Memo at Comment 1.

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend all entries of cold-rolled steel from Germany, that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002, the date of publication of our preliminary determination. The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. These instructions suspending liquidation will remain in effect until further notice.

We determine that the following weighted-average dumping margin exists for the period July 1, 2000, through June 30, 2001:

Exporter/manufacture	Margin (percent)
Thyssen Krupp Stahl AG	12.56
All Others	12.56

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I: Issues in Decision Memorandum

- Comment 1: Use of Adverse Facts Available for Home Market Downstream Sales
- Comment 2: Home Market Discounts
- Comment 3: Inland Freight, Mill to Company Border—Movement Expense
- Comment 4: Home Market Indirect Selling Expenses
- Comment 5: Home Market Credit Expenses
- Comment 6: Date of Sale
- Comment 7: Use of Facts Available for Sales by the Budd Company
- Comment 8: U.S. Sales Clerical Errors
- Comment 9: U.S. Credit and Inventory Carrying Costs
- Comment 10: U.S. Indirect Selling Expense
- Comment 11: Setting Negative Margins to Zero in the Calculation of the Dumping Margin
- Comment 12: Clerical Corrections in the Home Market and U.S. Sales and Cost Verification Reports
- Comment 13: Slabs Supplied by a TKS affiliate
- Comment 14: Unreconciled Difference
- Comment 15: Mill Edge Credit in the U.S. Market
- Comment 16: General and Administrative Expense Ratio
- Comment 17: Financial Expense Ratio
- Comment 18: G&A Further Manufacturer
- Comment 19: Depreciation of Machine Tools

and Spare Parts

[FR Doc. 02-24792 Filed 10-2-02; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-307-822]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Venezuela

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT:

Catherine Bertrand or Robert Bolling, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3207 and (202) 482-3434, respectively.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2002).

Final Determination

We determine that certain cold-rolled carbon steel flat products from Venezuela are being, or are likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 735 of the Act. The estimated margin of dumping is shown in the *Continuation of Suspension of Liquidation* section of this notice.

Case History

We published in the **Federal Register** the preliminary determination in this investigation on May 9, 2002. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cold-Rolled Carbon Steel Flat Products from Venezuela*, 67 FR 31273 (May 9, 2002) ("Preliminary Determination"). Since the publication of the *Preliminary Determination*, the following events have occurred.

On May 6, 2002, Siderurgica del Orinoco C.A. ("Sidor") requested that the Department correct a ministerial error found in Sidor's preliminary

determination calculations of the margin. On May 17, 2002, the Department determined that, although there was a certain ministerial error, it did not meet the definition of a significant ministerial error within the meaning of 19 CFR 351.224(g)(1). As a result, at that time we did not make the suggested correction. However, we have made the adjustment for the ministerial error in this final determination. See *Antidumping Duty Investigation of Certain Cold-Rolled Carbon Steel Flat Products from Venezuela: Analysis of Allegation of Ministerial Error* ("Ministerial Error Memo") dated May 17, 2002.

On May 10, 2002, Sidor submitted a proposed suspension agreement. See *Suspension Agreement Section* below.

On June 17 through June 28, 2002, the Department conducted a verification of Sidor at Puerto Ordaz, Venezuela. On July 31 through August 2, 2002, the Department conducted a verification of Siderca Corporation in Houston, Texas.

On August 21, 2002, Sidor submitted its case brief with respect to the Department's *Preliminary Determination* and verifications. On August 22, 2002, petitioners submitted their case brief with respect to the Department's *Preliminary Determination* and verifications. On August 26, 2002, petitioners and respondent submitted rebuttal briefs.

Scope of Investigation

With respect to scope, in the preliminary LTFV determinations in all of the cold-rolled steel investigation cases, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat

Products from Argentina, Brazil, France, and Korea" (*Preliminary Scope Rulings*), which is on file in the Department's Central Records Unit ("CRU"), room B-099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a "correction" for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the following paragraph.

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in "Appendix I" attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding "Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," dated July 10, 2002, which is on file in the CRU.

Period of Investigation

The period of investigation ("POI") is January 1, 2001, through June 30, 2001. This period corresponds to the two most recent fiscal quarters prior to the filing of the petition (*i.e.*, September 2001).

Facts Available

Section 776(a)(2) of the Act, provides that: If an interested party or any other

person (A) withholds information that has been requested by the administering authority; (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782; (C) significantly impedes a proceeding under this title; or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title. Because the cost of production data and constructed value information submitted by Sidor could not be verified, and the Department could not use Sidor's home market sales data, the Department applied total facts available pursuant to section 776(a)(2).

Section 782(d) of the Act provides that, if the Department determines that a response to a request for information does not comply with the request, the Department will inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide the person the opportunity to remedy or explain the deficiency. If that person submits further information that continues to be unsatisfactory, or this information is not submitted within the applicable time limits, the Department may, subject to section 782(e), disregard all or part of the original and subsequent responses, as appropriate. Further, section 782(i)(1) states that Department shall verify all information relied upon in making a final determination in an investigation.

Section 776(b) of the Act provides that, if the Department finds that an interested party "has failed to cooperate by not acting to the best of its ability to comply with a request for information," the Department may draw an inference that is adverse to the interests of that party in selecting from among the facts otherwise available. Section 776(b)(4) of the Act states that adverse inferences may be based on any other information placed on the record.

We find that, in accordance with sections 776(a)(2)(D) and 776(b) of the Act, the use of facts available for Sidor is appropriate for this final determination. Sidor failed to provide a reconciliation of the POI cost of manufacture per its books and records to the per-unit costs reported to the Department, thereby negating the Department's ability to use Sidor's home market sales data. Without this reconciliation, we are unable to determine whether Sidor accounted for all costs related to the merchandise under investigation. As such, the use of

facts available in the final determination is warranted pursuant to section 776(a)(2)(D) of the Act.

The Department applies adverse facts available "to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully." *Uruguay Round Agreements Act, Statement of Administrative Action*, H.R. Doc No. 103-316, vol. 1, at 870 (1994) ("SAA"). In this case, Sidor failed to cooperate to the best of its ability by not being adequately prepared for verification and not being able to reconcile its own cost data.

In selecting from among the facts available, section 776(b) of the Act authorizes the Department to use an inference that is adverse to a party if the Department finds that the party has failed to cooperate by not acting to the best of its ability to comply with requests for information. *See SAA* 870. To examine whether the respondent "cooperated" by "acting to the best of its ability" under section 776(b) of the Act, the Department considers, inter alia, the accuracy and completeness of submitted information and whether the respondent has hindered the calculation of accurate dumping margins. *See, e.g., Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review*, 62 FR 53808 (October 16, 1997). In this case, Sidor has hindered the calculation of an accurate margin.

It is the Department's practice to assign the highest rate from any segment of a proceeding as total adverse facts available when a respondent fails to cooperate to the best of its ability. *See, e.g., Stainless Steel Plate in Coils From Taiwan: Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review*, 67 FR 5789 (February 7, 2002) ("Consistent with Department practice in cases where a respondent fails to cooperate to the best of its ability, and in keeping with section 776(b)(3) of the Act, as adverse facts available we have applied a margin based on the highest margin from this or any prior segment of the proceeding."). Therefore, the Department is applying the rate from the Preliminary Determination to Sidor for this Final Determination. We are applying the petition rate for the All Other's Rate. *See All Other's Rate Section* below.

All Other's Rate

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-average dumping margins established for all exporters and producers individually investigated are zero or de minimis margins, or are

determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated "all-others" rate for exporters and producers not individually investigated. This provision contemplates that we weight-average margins other than facts available margins to establish the "all others" rate. Where the data does not permit weight-averaging such rates, the SAA at 873 provides that we may use other reasonable methods. Because the petition in this case contained only an estimated price-to-price dumping margin, which the Department adjusted for purposes of initiation, there are no additional estimated margins available with which to create the "all others" rate. *See Notice of Final Determination of Sales at Less Than Fair Value: Welded Large Diameter Line Pipe From Mexico*, 67 FR 566, 567-68 (January 4, 2002).

Therefore, we are not applying Sidor's adverse rate from the final determination to the All Other's Rate, but instead are using the lower petition rate as we recognize that nonparticipating parties have no culpability for the absence of company-specific information on the record and should not receive the adverse facts available rate. *See Notice of Final Determinations of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Argentina, Japan and Thailand*, 65 FR 5520 (February 4, 2000).

Analysis of Comments Received

All issues raised in the case brief by parties to this investigation are addressed in the *Decision Memorandum*, which is hereby adopted by this notice. A list of the issues which parties raised, and to which we have responded, all of which are in the *Decision Memorandum*, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in B-099. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov/frn/>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Determination

We have adjusted the calculation methodology used in the *Preliminary Determination* to correct for a clerical error (see *Case History* section and *Ministerial Error Memo*) in determining

the final dumping margin in this proceeding.

Verification

As provided in section 782(i) of the Act, we verified the information submitted by the respondent for use in our final determination. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the respondents.

Suspension Agreement

On May 10, 2002, Sidor submitted a proposal for a suspension agreement in accordance with the Department's regulations at 19 CFR 351.208. On June 19, 2002, the Department met with representatives of Sidor to discuss the proposed suspension agreement. No agreement was concluded.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend all entries of cold-rolled steel from Venezuela, that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002, the date of publication of our preliminary determination. The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. These instructions suspending liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin (percent)
Sidor	58.95
All Others	53.90

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission ("ITC") of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing the

Customs Service to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix 1—General Issues

Comment 1: Reliability of Costs
 Comment 2: Major Inputs
 Comment 3: Depreciation
 Comment 4: General and Administrative Expenses ("G&A")
 Comment 5: Financial Expenses
 Comment 6: Sidor's Home Market Credit Expenses
 Comment 7: Constructed Export Price Offset
 Comment 8: Home Market Indirect Export Billing Adjustment
 Comment 9: U.S. Inland Trucking Freight Expense
 Comment 10: Ministerial Error
 Comment 11: Ministerial Error
 Comment 12: Computer Code Language

[FR Doc. 02-24793 Filed 10-2-02; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-821-815]

Notice of the Final Determination Sales at Less Than Fair Value and Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From the Russian Federation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of the final determination of sales at less than fair value.

SUMMARY: The Department of Commerce is issuing its final determination of the

less-than-fair-value investigation of certain cold-rolled carbon steel flat products from the Russian Federation.
EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT:

Amy Ryan at 202-482-0961 or James C. Doyle at 202-482-0159, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2001).

Final Determination

We determine that certain cold-rolled carbon steel flat products ("cold-rolled steel") from the Russian Federation ("Russia") are being, or are likely to be sold, in the United States at less than fair value ("LFTV"), as provided in section 735 of the Act. The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Background

On May 9, 2002, the Department published its preliminary determination in the above-captioned antidumping duty investigation. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From the Russian Federation*, 67 FR 31241 (May 9, 2002) ("Preliminary Determination"). This investigation was initiated on October 18, 2001.¹ *See Notice of Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela*, 66 FR 54198 (October 26, 2001) ("Initiation Notice").

We gave interested parties an opportunity to comment on the preliminary determination. No case or rebuttal briefs were submitted.

¹ The petitioners in this investigation are Bethlehem Steel Corporation, LTV Steel Company, Inc., Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc., and Weirton Steel Corporation (collectively, the petitioners).

On May 13, 2002, the Russian Ministry of Economic Development and Trade submitted to the Department a proposed draft of a suspension agreement between them and the Department. On May 30, 2002, the Russian government requested an extension of the final determination in order to have time to negotiate an agreement to suspend this investigation. On August 23, 2002, in Washington, DC, representatives from three of Russia's cold-rolled producers initialed the agreed upon suspension agreement. Please see IA's Web site at <http://www.ia.ita.doc.gov/download/russia-cold-rolled/ip-ltr-draft-cold-rolled-susp-agreement> for the initialed draft agreement and cover letter sent to the interested parties. We invited comments on the proposed agreement and received them from petitioners on September 16, 2002.

On September 23, 2002, the final suspension agreement was signed by JSC Severstal, Novolipetsk Iron and Steel Corporation and JSC Magnitogorsk Iron and Steel Works, (collectively the "Russian cold-rolled steel producers") and the Department, the effective date being September 23, 2002. On September 24, 2002, on behalf of the Russian cold-rolled steel producers, we received a request for continuation of the investigation. Pursuant to this request, we have continued and completed the investigation in accordance with section 734(g) of the Act.

Scope of Investigation

With respect to scope, in the preliminary LTFV determinations in all of the cold-rolled steel investigation cases, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) ("Scope Appendix—Argentina Preliminary LTFV Determination"). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand,

Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea" ("Preliminary Scope Rulings"), which is on file in the Department's Central Records Unit ("CRU"), room B-099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a "correction" for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the following paragraph.

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in "Appendix I" attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding "Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," dated July 10, 2002, which is on file in the CRU.

Period of Investigation

The period of investigation ("POI") is January 1, 2001 through June 30, 2001. This period corresponds to the two most recent fiscal quarters prior to the filing of the petition (i.e., September 2001).

Final Critical Circumstances Determination

On November 29, 2001 and December 7, 2001, four of the petitioners in the investigation (Nucor Corporation, Steel Dynamics, Inc., WCI Steel, Inc., and Weirton Steel Company) submitted an allegation of critical circumstances with respect to imports of cold-rolled steel from Russia and requested an expedited decision in the matter. On April 10, 2002, the Department issued its preliminary affirmative determination that critical circumstances exist with respect to imports of cold-rolled steel from Russia. See *Memorandum to Faryar Shirzad from Joseph A. Spetrini: Preliminary Affirmative Determinations of Critical Circumstances* (April 10, 2002); and *Notice of Preliminary Determinations of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From Australia, the People's Republic of China, India, the Republic of Korea, the Netherlands, and the Russian Federation*, 67 FR 19157 (April 18, 2002) ("Critical Circumstances Notice"). We received no comments regarding our preliminary finding that critical circumstances exist for imports of cold-rolled steel from Russia. Therefore, we have not changed our determination and continue to find that critical circumstances exist for imports of cold-rolled steel from Russia.

Nonmarket Economy Country Status

The Department has treated Russia as a nonmarket economy ("NME") country in all past antidumping investigations. See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation*, 65 FR 42669 (July 11, 2000); *Notice of Final Determination of Sales at Less Than Fair Value: Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from the Russian Federation*, 64 FR 38626 (July 19, 1999); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the Russian Federation*, 62 FR 61787. No party has sought revocation of the NME status in this investigation.² Therefore, in accordance with section 771(1)(C) of the Act, we will continue to

² We note that effective April 1, 2002, Russia is considered a market economy country. However, because the POI took place before this date, Russia continues to be considered an NME for this investigation. See *Memorandum From Albert Hsu, Barbara Mayer and Christopher Smith through Jeff May to Faryar Shirzad: Inquiry into the Status of the Russian Federation as a Non-Market Economy Country Under the U.S. Antidumping Law* (June 6, 2002) at Import Administration's Web site, <http://www.ia.ita.doc.gov/download/russia-nme-status/russia-nme-decision-final.html>.

treat Russia as a NME country for purposes of this investigation.

Russia-Wide Rate

In a NME proceeding, the Department presumes that all companies within the country are subject to governmental control, and assigns separate rates only if the respondent demonstrates the absence of both *de jure* and *de facto* governmental control over export activities. See *Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China*, 61 FR 19026, 19027 (April 30, 1996). As no party requested that it be assigned a separate rate in this investigation, there was no demonstration of eligibility for a separate rate under the separate rates criteria. Accordingly, we determine that all exporters are subject to the Russia-wide rate.

Analysis of Comments Received

As noted above, there were no case or rebuttal briefs submitted in this investigation, nor was there a hearing. Additionally, we received no comments from interested parties in response to our preliminary results.

Facts Available

Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information requested by the Department, (B) fails to provide such information by the deadline for submission of the information, or in the form and manner requested, (C) significantly impedes a proceeding under the antidumping statute, or (D) provides information that cannot be verified, the Department shall use, subject to sections 782(d) of the Act, facts otherwise available in reaching the applicable determination.

Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if all of the following requirements are met: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

As explained in the *Preliminary Determination*, neither Severstal or the Government of Russia ("GOR") responded to the Department's questionnaire. Without a response to the Department's antidumping questionnaire, we have no foundation for determining a margin. As done in

the preliminary determination in this investigation, the Department has applied facts available ("FA"), in accordance with section 776(a)(2) of the Act, in making our final antidumping determination. See *Preliminary Determination* for a further discussion of this issue.

Selection of Adverse FA

In selecting from among the facts otherwise available, section 776(b) of the Act provides that if the Department finds the respondent "has failed to cooperate by not acting to the best of its ability to comply with a request for information * * * {the Department} may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available." See, e.g., *Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review*, 62 FR 53808, 53819–20 (October 16, 1997). Severstal did not attempt to respond to the Department's questionnaire, but stated its intention of not responding to the questionnaire at all. See *Memorandum to The File from Juanita H. Chen: Failure of Respondent JSC Severstal to Respond to Questionnaire* (February 4, 2002). As noted above, the GOR also did not respond at all to the Department's questionnaire. Because the Department has determined that both Severstal and the GOR failed to cooperate to the best of their abilities, we are applying an adverse inference pursuant to section 776(b) of the Act. As adverse FA, we have applied the margin from initiation (*i.e.*, the highest margin based on the amended petition), which is 137.33 percent, as the Russia-wide rate. See AD Initiation Checklist (October 18, 2001). Pursuant to section 776(c) of the Act, the Department has corroborated the 137.33 percent margin from initiation to the extent practicable. See Total Facts Available Corroboration Memorandum (April 26, 2002). This Russia-wide rate applies to all entries of subject merchandise. See *Preliminary Determination* for a further discussion of this issue.

Termination of Suspension of Liquidation

On September 23, 2002, the Department signed a suspension agreement with the Russian cold-rolled steel producers. Therefore, we will instruct Customs to terminate the suspension of liquidation of all entries of hot-rolled steel from Russia. Any cash deposits of entries of hot-rolled steel from Russia shall be refunded and any bonds shall be released.

On September 24, 2002, on behalf of the Russian cold-rolled steel producers, we received a request for continuation of the investigation. Pursuant to this request, we have continued and completed the investigation in accordance with section 734(g) of the Act. We have found the following weight-averaged dumping margin exists for the period January 1, 2001 through June 30, 2001:

Manufacturer/exporter	Margin (percent)
Russia-Wide Rate	137.33

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission ("ITC") of our determination. Because our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threatening material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury does not exist, the Agreement will have no force of effect, and the investigation shall be terminated. See Section 734(f)(3)(A) of the Act. If the ITC determines that such injury does exist, the Agreement shall remain in force but the Department shall not issue an antidumping order so long as (1) the Agreement remains in force, (2) the Agreement continues to meet the requirements of subsections (d) and (l) of the Act, and the parties to the Agreement carry out their obligations under the Agreement in accordance with its terms. See section 734(f)(3)(B) of the Act.

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 24, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–24794 Filed 10–2–02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-848]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Korea

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT:

Brian Ledgerwood at (202) 482-3836, or Mark Young at (202) 482-6397, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 ("the Act") by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department of Commerce ("the Department") regulations are to the regulations at 19 CFR part 351 (April 2001).

Final Determination

We determine that certain cold-rolled carbon steel flat products ("cold-rolled steel") from Korea are being, or are likely to be, sold in the United States at less than fair value ("LFTV"), as provided in section 735 of the Act. The estimated margins of sales at LFTV are shown in the *Continuation of Suspension of Liquidation* section of this notice.

Case History

On May 9, 2002, the Department published its preliminary determination in the above-captioned antidumping duty investigation. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Korea*, 67 FR 31255 (May 9, 2002) ("Preliminary Determination"). On June 28, 2002, the Department published its postponement of the final determination in the above captioned antidumping duty investigation. See *Certain Cold-Rolled Carbon Steel Flat Products from Korea: Postponement of Final Determination of Antidumping Investigation*, 67 FR 43582, ("June 28, 2002"). Since the preliminary

determination, the following events have occurred. In May 2002, the Department verified the responses submitted by the respondents in this investigation, Pohang Iron & Steel Co., Ltd. ("POSCO") and Dongbu Steel Co., Ltd., ("Dongbu") (collectively, "the respondents"). In July 2002, the Department conducted the U.S. subsidiary verification of Pohang Steel America Corporation ("POSAM") and Dongbu U.S.A. Incorporated ("Dongbu USA"). On August 26, 2002, we received case briefs from the petitioners¹ and the respondents. On September 5, 2002, we received rebuttal briefs from the petitioners and the respondents. A public hearing was held on September 9, 2002.

With respect to scope, in the preliminary LFTV determinations in this and the companion cold-rolled steel investigations, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LFTV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea" (*Preliminary Scope Rulings*), which is on file in the Department's Central Records Unit ("CRU"), room B-099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners² and respondents from

various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a "correction" for an already excluded product. On July 8, 2002, the scope petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the *Scope of Investigation* section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled ("cold-reduced") flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in the *Scope Appendix* attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum titled "Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," dated July 10, 2002, which is on file in the CRU.

Period of Investigation

The period of investigation ("POI") is July 1, 2000, through June 30, 2001. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (i.e., September 2001).

Verification

As provided in section 782(i) of the Act, we conducted verification of the cost and sales information submitted by the respondents. We used standard verification procedures including

and Weirton Steel Corporation (collectively, "the scope petitioners").

¹ The petitioners in this investigation are Bethlehem Steel Corporation, National Steel Corporation, United States Steel Corporation, and Nucor Corporation.

² The petitioners in the scope rulings are Bethlehem Steel Corporation, LTV Steel Company, Inc., Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc.,

examination of relevant accounting and production records, and original source documents provided by the respondents.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping proceeding are listed in the appendix to this notice and addressed in the *Decision Memorandum* dated September 23, 2002, and are hereby adopted by this notice. The *Decision Memorandum* is on file in room B-099 of the main Department of Commerce building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov/frn/index.html>. The paper and electronic versions of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Determinations

Based on our findings at verification, and analysis of comments received, we have made adjustments to the preliminary determination in calculating the final dumping margin in this proceeding. These adjustments to the dumping margin are discussed in the *Decision Memorandum* for this investigation.

Critical Circumstances

On April 10, 2002, the Department preliminarily determined that critical circumstances exist with respect to all imports of cold-rolled steel from Korea except for those from Dongbu. See Memorandum from Bernard Carreau to Faryar Shirzad Re: Preliminary Affirmative Determinations of Critical Circumstances; see also *Notice of Preliminary Determination of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products from Australia, the Peoples Republic of China, India, The Republic of Korea, the Netherlands, and the Russian Federation*, 67 FR 19157 (April 18, 2002) (“*Preliminary Critical Circumstances Determination*”). In its preliminary finding of critical circumstances, the Department determined that there was a history of dumping and material injury by reason of dumped imports of subject merchandise in the United States by Korean manufacturers; that there was a reasonable basis to believe or suspect importers of the subject merchandise knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales; and that there have been massive imports of the

subject merchandise over a relatively short period of time. For further details, see the *Preliminary Determination*, the *Preliminary Critical Circumstances Determination*, and *Memorandum to File, from Mark Manning: Respondents' Arguments Concerning the Preliminary Determination of Affirmative Critical Circumstances*, dated April 26, 2002.

Whereas no new or persuasive evidence to the contrary has been presented to the Department since the *Preliminary Critical Circumstances Determination*, we have determined in this final determination that critical circumstances exist for imports of Cold-Rolled Steel from Korea (with the exception of Dongbu). See *Decision Memorandum* at comment 7 for further discussion.

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we are instructing the U.S. Customs Service (“Customs”) to continue to suspend liquidation of all imports of cold-rolled steel from Korea (except those produced or exported by Dongbu) that are entered, or withdrawn from warehouse, for consumption on or after February 8, 2002 (which is 90 days prior to the date of publication of the *Preliminary Determination* in the **Federal Register**). For subject merchandise produced or exported by Dongbu, we are instructing Customs to continue to suspend liquidation for imports that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002 which is the date of the preliminary determination. Customs shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. The suspension of liquidation instructions will remain in effect until further notice.

In the companion countervailing duty investigation we have found the existence of export subsidies. Section 772(c)(1)(C) of the Act directs the Department to increase EP or CEP by the amount of the countervailing duty “imposed” on the subject merchandise “to offset an export subsidy” in an administrative review. The basic economic theory underlying this provision is that in parallel antidumping and countervailing duty investigations, if the Department finds that a respondent received the benefits of an export subsidy program, it is presumed the subsidy contributed to lower-priced sales of subject merchandise in the United States market by the amount of any such export subsidy. Thus, the subsidy and

dumping are presumed to be related, and the assessment of duties against both would in effect be “double-application” or imposing two duties against the same situation. Therefore, Congress, through section 772(c)(1)(C) of the Act, indicated that the Department should factor the subsidy into the antidumping calculations to prevent this “double-application” of duties.

We believe the economic theory implicit in section 772(c)(1)(C) of the Act should also generally apply to our cash deposit calculations in an investigation. The calculations underlying cash deposit rates resulting from an initial investigation are essentially equivalent to those determined in administrative reviews leading to the assessment of antidumping duties. Congress has indicated, in effect, that no dumping exists if the export subsidies calculated in a countervailing duty proceeding are equal to or greater than the calculated dumping margin. The Department believes that this is true regardless if such a result appears in an administrative review or in an investigation. The Department has determined in its Final Affirmative Countervailing Duty Determination: *Notice of Final Affirmative Countervailing Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products from the Republic of Korea (“Cold-Rolled CVD”)* (issued concurrently) that the product under investigation benefited from export subsidies. Consistent with our longstanding practice, where the product under investigation is also subject to a concurrent countervailing duty investigation, we instruct the Customs Service to require a cash deposit or posting of a bond equal to the weighted-average amount by which the normal value exceeds the export price, as indicated below, minus the amount of the countervailing duty determined to offset an export subsidy. See, e.g., *Notice of Antidumping Duty Order: Stainless Steel Wire Rod From Italy*, 63 FR 49327 (September 15, 1998); and *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip From India*, 67 FR 34899, (May 16, 2002). Accordingly, for cash deposit purposes we will subtract from the cash deposit rate that portion of the rate attributable to the export subsidies found in the affirmative countervailing duty determination, in the event that an order in the companion countervailing

duty case is issued.³ After the adjustment for the cash deposit rate attributed to export subsidies, the resulting cash deposit rate for Dongbu will be 11.02 percent. In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after May 9, 2002, the date of publication of the preliminary determination in the **Federal Register**. We will instruct the Customs Service to continue to require a cash deposit or the posting of a bond for each entry equal to the weighted-average amount by which the normal value exceeds the export price, adjusted for the export subsidy rate, as indicated below. These suspension of liquidation instructions will remain in effect until further notice.

We determine that the following percentage margins exist for the period July 1, 2000, through June 30, 2001:

Manufacturer/exporter	Margin (percent) ⁴
POSCO	5.15 ⁵
Dongbu	11.13
All Others	8.90

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC

³ Because suspension of liquidation in *Cold-Rolled CVD* is currently discontinued and will not be resumed unless and until the Department issues a countervailing duty order, the antidumping cash deposit rates are the rates indicated below.

⁴ If an order is issued in the companion countervailing duty investigation, suspension of liquidation in *Cold-Rolled CVD* will resume. Additionally, if an order is issued in this antidumping duty investigation, the Department will issue antidumping duty cash deposit instructions requiring a cash deposit rate for Dongbu equal to the dumping margin calculated for Dongbu less the export subsidy rate calculated for Dongbu in *Cold-Rolled CVD*. In *Cold-Rolled CVD*, Dongbu's *ad valorem* export subsidy rate is 0.11 percent. Therefore, we will adjust Dongbu's antidumping duty rate by the export subsidy rate, if necessary (*i.e.*, 11.13 – 0.11 = 11.02 percent). Furthermore, the Department will issue antidumping duty cash deposit instructions requiring an "All Others" cash deposit equal to the "All Others" antidumping duty rate less the "All Others" export subsidy rate calculated in *Cold-Rolled CVD*. In *Cold-Rolled CVD*, the "All Others" *ad valorem* export subsidy rate is 0.11 percent. Therefore, we will adjust the antidumping duty "All Others" margin by the export subsidy rate, if necessary (*i.e.*, 8.90 – 0.11 = 8.79 percent).

⁵ In *Cold-Rolled CVD*, POSCO's *ad valorem* net subsidy rate is *de minimis*. Therefore, we will not adjust POSCO's antidumping duty rate by its export subsidy rate, because POSCO would be excluded from any resulting countervailing duty order on certain cold-rolled carbon steel flat products from Korea.

will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I—List of Comments and Issues in the Decision Memorandum

A. Issues

Scope

1. Scope of the Investigation

Pohang Iron & Steel Co., Ltd. ("POSCO")

Sales Issues:

- Comment 1: U.S. "Channel 3" Sales
- Comment 2: Middleman Dumping Allegation
- Comment 3: Certifications of Completeness and Accuracy
- Comment 4: U.S. Indirect Selling Expenses
- Comment 5: Temper, Annealing, and Surface Finish Fields
- Comment 6: Constructed Export Price—CEP—Offset
- Comment 7: Critical Circumstances

Cost Issues:

- Comment 8: General and Administrative Expense Rate Calculation

Dongbu Steel Co., Ltd. ("Dongbu")

Sales Issues:

- Comment 9: U.S. Indirect Selling Expense Calculation Methodology
- Comment 10: Constructed Export Price—CEP—Offset
- Comment 11: Warranty Expenses

Comment 12: Submission of New Factual Information

Comment 13: Ministerial Errors

A. The Department's Preliminary Determination Failed to Distinguish Between Prime and Non-Prime Sales

B. The Department's Margin Program Incorrectly Converts the Variables HMMOVE and HMPACK

C. The Department's Preliminary Determination Double Counted Billing Adjustments

D. The Department Failed to Assign a Weight to Dongbu's "Stone Finish" Merchandise

Cost Issues:

Comment 14: Interest Expense/Financial Expense Ratio

Comment 15: General and Administrative Expense Rate

[FR Doc. 02–24795 Filed 10–2–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–810]

Notice of Final Determination of Sales at Less Than Fair Value; Certain Cold-Rolled Carbon Steel Flat Products From Turkey

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2002.

ACTION: Notice of final determination of sales at less than fair value.

FOR FURTHER INFORMATION CONTACT:

Melissa Blackledge, or Robert James at (202) 482–3518, or (202) 482–0649, respectively; Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Tariff Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce (Department) regulations refer to the regulations codified at 19 CFR part 351 (April 2001).

Final Determination

We determine that cold-rolled carbon steel flat products (cold-rolled steel) from Turkey are being sold, or are likely

to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act. The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice.

Case History

We published in the **Federal Register** the preliminary determination in this investigation on May 9, 2002. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Cold-Rolled Carbon Steel Flat Products from Turkey*, 67 FR 31264 (May 9, 2002) (*Preliminary Determination*). Since the publication of the *Preliminary Determination* the following events have occurred.

On May 7, 2002, respondent in this investigation, Borçelik Çelik Sanayii Ticaret A.Ş. (Borçelik), timely submitted an allegation of several ministerial errors with respect to the preliminary determination and requested the Department correct the alleged errors and publish an amended preliminary determination. *See* 19 CFR 351.224(e) of the Department's regulations. The Department issued a memo addressing the allegations of ministerial errors and issued an amended preliminary determination on June 12, 2002. *See Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Cold-Rolled Carbon Steel Flat Products from Turkey*, 67 FR 41695 (June 19, 2002) (*Amended Preliminary Determination*).

The Department verified sections A-C of Borçelik's responses from May 13 through May 17, 2002, at its administrative headquarters in Gemlik, Turkey. The Department also verified section D of Borçelik's response from May 21 through May 25, 2002, at Borçelik's administrative headquarters. *See* Memorandum For the File; "Sales Verification of Borçelik", June 19, 2002 (Sales Verification Report) and Memorandum to Neal Halper, Acting Director, Office of Accounting; "Verification Report on the Cost of Production and Constructed Value Data—Borçelik," June 26, 2002 (Cost Verification Report). Public versions of these, and all other Departmental memoranda referred to herein, are on file in the Central Records Unit, room B-099 of the main Commerce building.

On May 31, 2002, the respondent, Borçelik, requested the Department postpone the final determination the full sixty days as permitted by the statute and the Department's regulations. On June 14, 2002, the Department postponed the final determination until no later than 135 days after publication of the preliminary

determination in the **Federal Register**. *See Notice of Postponement of Final Determination of Sales at Less Than Fair Value: Cold-Rolled Carbon Steel Flat Products from Turkey*, 67 FR 41955 (June 20, 2002).

On May 20, 2002, Nucor Corporation,¹ a petitioner in this investigation, requested a public hearing. On July 2, 2002, Nucor Corporation withdrew its request for a hearing. On July 12, 2002, respondent and petitioners filed case briefs. We received rebuttal briefs from all parties on July 17, 2002.

Period of Investigation

The period of investigation (POI) is July 1, 2000, through June 30, 2001.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated September 23, 2002, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B-099.

In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at <http://www.ia.ita.doc.gov/>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in "Appendix I" attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (August 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, *see* the memorandum regarding "Issues and Decision

Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," dated July 10, 2002, which is on file in the CRU.

Use of Facts Available

For a discussion of our application of facts available, *see* the "Discussion of Issues" section of the Decision Memorandum, Comment 3, which is on file in B-099 and available on the Web at <http://www.ia.ita.doc.gov/>.

Changes Since the Amended Preliminary Determination

Based on our analysis of comments received and findings at verification, we have made certain changes in the margin calculations. Any allegations of errors are discussed in the relevant sections of the "Decision Memorandum," accessible in B-099 and on the Web at <http://www.ia.ita.doc.gov/>.

Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Tariff Act, we are instructing Customs to continue to suspend liquidation of all entries of cold-rolled carbon steel flat products from Turkey that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002, the date of publication of the *Preliminary Determination*. The Customs Service shall continue to require a cash deposit or the posting of a bond based on the estimated weighted-average dumping margins shown below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following weighted-average dumping margins exist for the period July 1, 2000, through June 30, 2001:

Exporter/manufacturer	Weighted-average margin (percent)
Borçelik Çelik Sanayii Ticaret A.Ş. (Borçelik)	4.32
All Others	4.32

¹ Other petitioners include Bethlehem Steel Corporation, National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc., and Weirton Steel Corporation (collectively, petitioners).

ITC Notification

In accordance with section 735(d) of the Tariff Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of business proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Tariff Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I—Issues in Decision Memorandum

Comments and Responses

1. U.S. Dollars v. Turkish Lira for Home Market Prices
2. U.S. Warranty Expenses
3. Cost of Production of Major Input (Hot-Rolled Coil)
4. Depreciation Expenses
5. Scrap
6. G&A Expenses
7. Financial Expense
8. "Vade Farki" (Inflation/Due Date-Related Charges)
9. Surface Quality
10. Billing Adjustments
11. "Kur Farki" (Currency-Fluctuation Charges)
12. Credit Expenses

[FR Doc. 02-24796 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-351-835]

Final Affirmative Countervailing Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has made a final determination that countervailable subsidies are being provided to producers and exporters of certain cold-rolled carbon steel flat products from Brazil. The subsidy rates in this final determination differ from those in the preliminary determination. The revised final subsidy rates for the investigated producers/exporters are listed below in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT:

Sean Carey at (202) 482-3964 or Holly Hawkins at (202) 482-0414, Office of AD/CVD Enforcement VII, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2001).

Petitioners

The petition in this investigation was filed on September 28, 2001, by Bethlehem Steel Corporation; United States Steel LLC; LTV Steel Company, Inc.; Steel Dynamics, Inc.; National Steel Corporation; Nucor Corporation; WCI Steel, Inc.; and Weirton Steel Corporation (collectively, "the petitioners").

Case History

The following events have occurred since the publication of the preliminary determination in the **Federal Register**. See *Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment with Final Antidumping Duty Determinations: Certain Cold-Rolled Carbon Steel Flat Products from Brazil*, March 4, 2002 (67 FR 9652).

On March 21, 2002, we issued a fourth supplemental questionnaire

requesting more information on the National Bank for Economic and Social Development (BNDES) loan programs and on the Program to Induce Industrial Modernization of the State of Minas Gerais (PROIM). On April 9, 2002, respondents filed a response to this supplemental questionnaire. We issued a fifth supplemental questionnaire on May 22, 2002 requesting further clarification on the BNDES programs, and we received a response to this questionnaire on June 3, 2002.

From June 10, 2002 to June 28, 2002, we conducted verification of the questionnaire responses submitted by the Government of Brazil (GOB), Companhia Siderurgica Nacional (CSN), Usinas Siderurgicas de Minas Gerais (USIMINAS), and Companhia Siderurgica Paulista (COSIPA).

On August 23, 2002, we received a combined case brief from the GOB, USIMINAS, COSIPA, and CSN. On this date, we also received a case brief filed by petitioners. On August 29, 2002, we received a combined rebuttal brief from the GOB, and the three respondent companies, USIMINAS, COSIPA, and CSN, as well as a rebuttal brief from the petitioners.

With respect to scope, in the preliminary LTFV determinations in this and the companion cold-rolled steel investigations, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*,

67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding “Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea” (*Preliminary Scope Rulings*), which is on file in the Department’s Central Records Unit (CRU), room B–099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners¹ and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a “correction” for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department’s final decisions on the scope exclusion requests are addressed in the *Scope of Investigation* section below.

Period of Investigation

The period for which we are measuring subsidies, or period of investigation (POI) is calendar year 2000.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in the *Scope Appendix* attached to the

Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding “Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea,” dated July 10, 2002, which is on file in CRU.

Analysis of Subsidy Programs

The complete analysis of the programs under investigation is included in the Issues and Decision Memorandum for the Final Affirmative Countervailing Duty Determination in the Countervailing Duty Investigation of Certain Cold-Rolled Carbon Steel Flat Products from Brazil, from Joseph A. Spetrini, Deputy Assistant Secretary for AD/CVD Enforcement III to Faryar Shirzad, Assistant Secretary for Import Administration, dated September 23, 2002.

Programs Determined To Confer Subsidies

We have determined that the following programs confer subsidies:

- A. Federal Programs
 - 1. *Equity Infusions*
 - 2. *“Presumed” Tax Credit for the Program of Social Integration and the Social Contributions of Billings on Inputs Used in Exports (“PIS/COFINS”)*
 - 3. *BNDES Loan Programs*
 - a. *FINAME*
 - b. *BNDES Export Import Financing*
 - c. *BNDESPAR*
- B. Provincial Government Program *PRO-INDUSTRIA*

Program Determined Not To Confer a Subsidy

We have determined that the FINEM program does not confer a subsidy.

Programs Determined Not To Be Used

We have determined that the following programs have not been used.

- A. Federal Program *PROEX*
- B. Provincial Government Program *PROIM*

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the *Issues and Decision Memorandum for the Final Affirmative Countervailing Duty Determination in the Countervailing Duty Investigation of Certain Cold-Rolled Carbon Steel Flat Products from Brazil*, from Joseph A. Spetrini, Deputy Assistant Secretary for AD/CVD Enforcement III to Faryar Shirzad, Assistant Secretary for Import Administration, dated September 23, 2002 (*Decision Memorandum*), which is hereby adopted by this notice. Attached to this notice as Appendix I is a list of the programs investigated and a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all programs and all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in the CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn/> under the heading “Brazil.” The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Suspension of Liquidation

In accordance with section 777A(e)(1) of the Act, we have calculated an individual subsidy rate for each producer/exporter under investigation. We determine the total estimated net subsidy rate for each company to be the following:

Product/exporter	Net subsidy rate (percent)
USIMINAS/COSIPA	13.99
CSN	7.90
All Others	13.07

In accordance with our preliminary affirmative determination, we instructed Customs to suspend liquidation of all entries of cold-rolled steel from Brazil, which were entered or withdrawn from warehouse for consumption on or after March 4, 2002, the date of the publication of our preliminary determination in the **Federal Register**, and to require a cash deposit or bond for such entries of the merchandise in the amounts indicated in the *Preliminary Determination*. In accordance with section 703(d) of the Act, we instructed Customs to discontinue the suspension of liquidation for merchandise entered on or after July 3, 2002, but to continue the suspension of liquidation of entries

¹ The petitioners in this investigation are Bethlehem Steel Corporation, LTV Steel Company, Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc., and Weirton Steel Corporation (collectively, the petitioners).

made between March 4, 2002 and July 3, 2002.

We will reinstate suspension of liquidation under section 706(a) of the Act for all entries if the ITC issues a final affirmative injury determination, and we will require a cash deposit of estimated countervailing duties for such entries of merchandise in the amount indicated above. This suspension of liquidation, if reinstated, will be effective on the date of publication of the countervailing duty order. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an Administrative Protective Order ("APO"), without the written consent of the Assistant Secretary for Import Administration.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I—Issues and Decision Memorandum

- I. *Subsidies Valuation Information*
 - A. Allocation Period
 - B. Cross Ownership and Attribution of Subsidies
 - C. Equityworthiness
 - D. Equity Methodology
 - E. Creditworthiness
 - F. Discount Rates
 - G. Benchmarks for Loans
 - H. Trading Companies

- I. Changes in Ownership
- II. *Programs Determined to Confer Subsidies*
 - A. Federal Programs
 1. *Equity Infusions*
 2. *"Presumed" Tax Credit for the Program of Social Integration and the Social Contributions of Billings on Inputs Used in Exports ("PIS/COFINS")*
 3. *BNDES Loan Programs*
 - a. *FINAME*
 - b. *BNDES Export Import Financing*
 - c. *BNDESPAR*
 - B. Provincial Government Program *PRO-INDUSTRIA*
 - III. *Program Determined Not to Confer A Subsidy*
 - FINEM
 - IV. *Programs Determined Not to be Used*
 - A. Federal Program
 - Programa de Financiamento as Exportacoes (PROEX)*
 - B. Provincial Government Program *Program to Induce Industrial Modernization of the State of Minas Gerais (PROIM)*
 - V. *Analysis of Comments*
 - Comment 1: CSN, USIMINAS and COSIPA Privatization
 - Comment 2: PIS/COFINS—Direct Taxes v. Indirect Taxes
 - Comment 3: PIS/COFINS-Rebate of Prior-Stage Cumulative Indirect Taxes
 - Comment 4: PIS/COFINS Credit—Excessive Remission
 - Comment 5: FINEM Financing and Specificity
 - Comment 6: FINAME as an Import Substitution Program
 - Comment 7: FINAME Financing and Specificity
 - Comment 8: Integral Linkage of FINAME and FINEM
 - Comment 9: Financial Contribution and Benefit of BNDES Loan Programs
 - Comment 10: BNDES-ExIm Financing and Specificity
 - Comment 11: BNDESPAR Program
 - Comment 12: PRO-Industria-Specificity
 - Comment 13: Non-Use of PROEX
 - VI. *Total Ad Valorem Subsidy Rate*
 - VII. *Recommendation*

[FR Doc. 02-24797 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-423-811]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Belgium.

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT: James Terpstra or Lyman Armstrong at (202) 482-3965 or (202) 482-3601, respectively; Enforcement Office VI,

Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce (Department) regulations refer to the regulations codified at 19 CFR part 351 (2001).

Final Determination

We determine that certain cold-rolled carbon steel flat products (cold-rolled steel) from Belgium is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the *Continuation of Suspension of Liquidation* section of this notice.

Case History

The preliminary determination in this investigation was issued on May 9, 2002. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cold-Rolled Carbon Steel Flat Products from Belgium*, 67 FR 31195 (May 9, 2002). Since the publication of the preliminary determination, the following events have occurred.

On May 10, 2002, the Department issued supplemental Sections A, B, and C questionnaires to Sidmar, N.V. (Sidmar), the respondent in this review. The responses were received on May 14, 2002.

On May 13, 2002, Sidmar, the respondent in this review and petitioners¹ submitted comments regarding ministerial errors in the Department's preliminary determination. However, because these errors were not "significant" within the meaning of the regulations, 19 CFR 351.224(g), we did not amend the preliminary determination. We have corrected these errors for purposes of our final dumping margin. For further discussion, see the Calculation Memorandum from Lyman Armstrong to the File for the Final Determination

¹ The petitioners in this investigation are Bethlehem Steel Corporation, LTV Steel Company Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc., and Weirton Steel Corporation (collectively, the petitioners).

of Certain Cold-Rolled Carbon Steel Flat Products from Belgium, dated September 23, 2002 (Final Calculation Memorandum).

On May 20, 2002, petitioner Nucor Corporation, requested a hearing pursuant to 19 CFR 351.310(c). On May 29, 2002 and June 10, 2002, petitioners Bethlehem Steel Corporation, National Steel Corporation, and United States Steel Corporation, submitted letters, respectively, not requesting a hearing but wishing to participate in any hearing the Department held.

In May and June 2002, the Department verified the responses submitted by Sidmar and its affiliates J&F Steel Corporation (J&F) and TradeARBED Corporation (TANY). Verification reports were issued in July and August 2002. On August 19, 2002, we received case briefs from the petitioners and the respondent. On August 26, 2002, we received rebuttal briefs from the petitioners and the respondents.

On August 26, 2002, petitioner Nucor Corporation submitted a letter withdrawing its request for a hearing. No hearing was held with respect to this investigation.

On September 5, 2002, we sent a letter to Sidmar requesting revised databases correcting the minor corrections presented at the beginning of the sales and cost verifications.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in "Appendix I" attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (August 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding "Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," dated July 10, 2002, which is on file in the CRU.

Period of Investigation

The period of investigation (POI) is July 1, 2000, through June 30, 2001.

Verification

As provided in section 782(i) of the Act, we conducted verification of the cost and sales information submitted by the respondent. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the respondent.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping proceeding are listed in the appendix to this notice and addressed in the *Issues and Decision Memorandum for the Antidumping Duty Investigation of Certain Cold-Rolled Carbon Steel Flat Products from Belgium (Decision Memorandum)* from Holly A. Kuga, Acting Deputy Assistant Secretary for Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated concurrently with this notice, which is hereby adopted by this notice. The *Decision Memorandum* is on file in room B-099 of the main Department of Commerce building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov/>. The paper and electronic versions of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Determinations

Based on our findings at verification, and analysis of comments received, we have made the following adjustments to the preliminary determination in calculating the final dumping margin in this proceeding:

- For a small number of sales in the home and U.S. market Sidmar did not report a date of payment. In accordance with Departmental practice in such cases where payment has not yet been made, we have used the last day of the U.S. sales verification (*i.e.*, June 28, 2002) as payment date in the calculation of imputed credit expenses.
- The Department corrected the margin program based on errors discovered at verification.
- For the final determination the Department has denied all early payment discounts in the home market because Sidmar has failed to demonstrate that it is entitled to such an adjustment.
- For billing adjustments in the U.S. market, the Department has applied partial adverse facts available by setting

all positive billing adjustments to zero, and where a negative billing adjustment is misreported, the Department has taken each unique combination of J&F branch and invoice number for which a negative billing adjustment is reported and applied the largest per-unit negative billing adjustment for all records sharing the same branch/invoice number combination.

- The Department corrected clerical errors presented by interested parties in the margin and comparison market program. These adjustments are discussed in the relevant sections of the *Decision Memorandum* and *Final Calculation Memorandum* for this investigation.

Facts Available

Section 776(a)(2) of the Act provides that "if an interested party or any other person—(A) Withholds information that has been requested by the administering authority; (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782; (C) significantly impedes a proceeding under this title; or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title." In addition, section 776(b) of the Act provides that, if the Department finds that an interested party "has failed to cooperate by not acting to the best of its ability to comply with a request for information," the Department may use information that is adverse to the interests of the party as the facts otherwise available. The statute also provides that such an adverse inference may be based on secondary information, including information drawn from the petition. In this case, the Department has applied partial facts available for various expenses and adjustments. (See the *Decision Memorandum* at comments 9 and 10).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of cold-rolled steel exported from Belgium that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002, the date of publication of our preliminary determination. The Customs Service shall continue to require a cash deposit or the posting of a bond based on the estimated

weighted-average dumping margins shown below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following weighted-average dumping margins exist for Belgium:

Manufacturer/exporter	Margin (percent)
Sidmar, N.V.	11.56
All Others	11.56

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determinations. The ITC will determine, within 45 days, whether imports of subject merchandise from Belgium are causing material injury, or threaten material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceedings will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue antidumping orders directing Customs Service officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shizad,

Assistant Secretary for Import Administration.

Appendix—Issues Covered in Decision Memorandum

Sales Issues

- (1) Whether to Apply Partial Adverse Facts Available (AFA) to Sidmar's U.S. Sales of Products Further Processed by Laminoir de Dudelange S.A. (LDD) and Imported by J&F Steel Corporation (J&F)
- (2) Constructed Export Price (CEP) Offset
- (3) Whether the Department Should Make All

Minor Corrections Presented On the First Day of Verification

- (4) Whether to Correct Sidmar's Failure to Report Rebates for Certain U.S. Sales
- (5) Whether to Apply Partial Adverse Facts Available for Sidmar's Failure to Report Certain Movement Expenses
- (6) Whether the Department Should Calculate U.S. Credit Expense Using the Weighted Average of TradeARBED (TANY)'s Short-Term Interest Rates
- (7) Whether Sidmar's Freight Components Arranged Through Transaf N.V. (Transaf) Were at Arm's Length
- (8) Whether the Department Should Calculate TANY's Indirect Selling Expenses Using TANY's Corrected Indirect Selling Expense Ratio
- (9) Whether to Apply Partial Adverse Facts Available (AFA) for Sidmar's Misreporting of its Billing Adjustments on its U.S. Sales
- (10) Early Payment Discounts
- (11) Alleged Clerical Errors in the Preliminary Determination

Cost Issues

- (12) General & Administrative (G&A) Expense
- (13) Foreign Exchange Gains and Losses
- (14) Valuation of Certain Inputs in the Cost of Manufacture
- (15) Affiliated Input Transactions

[FR Doc. 02-24798 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-469-812]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Spain

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT: Irina Itkin or Elizabeth Eastwood at (202) 482-0656 or (202) 482-3874, respectively, Office of AD/CVD Enforcement, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR part 351 (April 2001).

Final Determination

We determine that certain cold-rolled carbon steel flat products (cold-rolled steel) from Spain are being, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the *Continuation of Suspension of Liquidation* section of this notice.

Background

On May 9, 2002, the Department published its preliminary determination in the above-captioned antidumping duty investigation. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Spain*, 67 FR 31248 (May 9, 2002) (*Preliminary Determination*). This investigation was initiated on October 18, 2001.¹ *See Notice of Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela*, 66 FR 54198 (October 26, 2001).

Since the preliminary determination, the following events have occurred. On May 13, 2002, Laminacion y Derivados, S.A. (Layde), an exporter that accounts for a significant portion of exports of subject merchandise, requested that the Department postpone the final determination and continue collecting cash deposits for not more than six months. Pursuant to section 733(d) of the Act and 19 CFR 351.210(e)(2), the Department postponed the final determination. *See Postponement of Final Determination of Antidumping Duty Investigation: Certain Cold-Rolled Carbon Steel Flat Products from Spain*, 67 FR 40269 (June 12, 2002). We gave interested parties an opportunity to comment on the preliminary determination. No case or rebuttal briefs were submitted.²

With respect to scope, in the preliminary LTFV determinations in this and the companion cold-rolled steel investigations, the Department

¹ The petitioners in this investigation are Bethlehem Steel Corporation, LTV Steel Company, Inc., Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc., and Weirton Steel Corporation (collectively, the petitioners).

² Normally, when the Department issues a final determination, the **Federal Register** notice is accompanied by a separate Issues and Decision Memorandum. Since no briefs were filed in this case, a separate memorandum is required.

preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding “Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea” (*Preliminary Scope Rulings*), which is on file in the Department’s Central Records Unit (CRU), room B-099 of the main Department building). We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a “correction” for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department’s final decisions on the scope exclusion requests are addressed in the *Scope of Investigation* section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in “Appendix I” attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the

comments received on the *Preliminary Scope Rulings*, see the memorandum regarding “Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea,” dated July 10, 2002, which is on file in the CRU.

Period of Investigation

The period of investigation (POI) for this investigation is July 1, 2000, through June 30, 2001. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, September 2001).

Analysis of Comments Received

We received no comments from interested parties in response to our preliminary determination. We did not hold a hearing because none was requested.

Facts Available

In the preliminary determination, the Department based the dumping margin for Layde on adverse facts available pursuant to section 776(b) of the Act. The use of adverse facts available was warranted because Layde, as a mandatory respondent, failed to supply the information the Department requested. Therefore, the Department found that Layde failed to cooperate by not acting to the best of its ability. As a result, pursuant to section 776(b) of the Act, the Department used an adverse inference in selecting from the facts available. Specifically, the Department assigned Layde the highest margin alleged in the petition. We continue to find this margin corroborated, pursuant to section 776(c) of the Act. A complete explanation of both the selection and application of facts available can be found in the *Preliminary Determination*, 67 FR at 31249. No interested parties have objected to the use of adverse facts available for Layde in this investigation, or to the Department’s choice of the facts available margin. Accordingly, for the final determination, the Department is continuing to use, for Layde, the highest margin alleged in the petition. See the *Preliminary Determination*, 67 FR at 31251. In addition, the

Department has left unchanged from the preliminary determination the “All Others Rate” in this investigation. See the *Preliminary Determination*, 67 FR at 31251.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend all entries of cold-rolled steel from Spain, that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002, the date of publication of our preliminary determination. The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. These instructions suspending liquidation will remain in effect until further notice.

The dumping margins are provided below:

Manufacturer/exporter	Margin (percent)
Laminacion y Derivados, S.A. (Layde)	46.20
All Others	46.20

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing the Customs Service to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested.

Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02-24799 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-834]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final determination of sales at less than fair value.

SUMMARY: On May 9, 2002, the Department of Commerce published its preliminary determination of sales at less than fair value and postponement of final determination of certain cold-rolled carbon steel flat products from Brazil. The period of investigation is July 1, 2000, through June 30, 2001.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final determination differs from the preliminary determination. The final weighted-average dumping margins are listed below in the section entitled *Final Determination Margins*.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT: Irina Itkin or Elizabeth Eastwood, AD/CVD Enforcement Group I, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0656 or (202) 482-3874, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations

to the regulations of the Department of Commerce (the Department) are to 19 CFR part 351 (April 2001).

Final Determination

We determine that certain cold-rolled carbon steel flat products (cold-rolled steel) from Brazil are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Act.

Background

The preliminary determination in this investigation was issued on April 26, 2002. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cold-Rolled Carbon Steel Flat Products From Brazil*, 67 FR 31200 (May 9, 2002) (*Preliminary Determination*). Since the preliminary determination, the following events have occurred.

In May 2002, we conducted verification of the questionnaire responses of the respondent in this case, Usinas Siderurgicas de Minas Gerais (USIMINAS) and Companhia Siderurgica Paulista (COSIPA) (collectively "USIMINAS/COSIPA").

We gave interested parties an opportunity to comment on the preliminary determination. In July and August 2002, we received case and rebuttal briefs from the petitioners (Bethlehem Steel Corporation, National Steel Corporation, Nucor Corporation, and United States Steel Corporation) and USIMINAS/COSIPA. The Department held a public hearing on August 16, 2002, at the request of the following petitioners: Bethlehem Steel Corporation, National Steel Corporation, and United States Steel Corporation.

With respect to scope, in the preliminary LTFV determinations in this and the companion cold-rolled steel investigations, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan,

Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea" (*Preliminary Scope Rulings*), which is on file in the Central Records Unit (CRU), room B-099 of the main Department building). We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a "correction" for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department's final decisions on the scope exclusion requests are addressed in the *Scope of Investigation* section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in the "Scope Appendix" attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding "Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," dated July 10, 2002, which is on file in the CRU.

Period of Investigation

The period of investigation is July 1, 2000, through June 30, 2001, which corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, September 2001).

Affiliated Respondents

In the last cold-rolled investigation for Brazil, the Department treated USIMINAS and COSIPA as affiliated parties and collapsed these entities. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products from Brazil*, 65 FR 5554, 5562 (Feb. 4, 2000). In the *Preliminary Determination*, the Department stated that it treated these companies as affiliated producers. Neither USIMINAS nor COSIPA commented on our treatment of them as affiliated producers. Therefore, we have continued to treat USIMINAS and COSIPA as a single entity and to calculate a single margin for them.

Analysis of Comments Received

All issues raised in the case briefs by parties to this proceeding and to which we have responded are listed in the Appendix to this notice and addressed in the Decision Memorandum, which is adopted by this notice. Parties can find a complete discussion of the issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B-099 of the main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of comments received, we have made certain changes to the margin calculations. For a discussion of these changes, see the "Margin Calculations" section of the Decision Memorandum.

Verification

As provided in section 782(i) of the Act, we verified the information submitted by the respondent for use in our final determination. We used standard verification procedures including examination of relevant accounting records, production records, and original source documents provided by the respondent.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B)(ii) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of subject merchandise from Brazil that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002, the date of publication of the preliminary determination in the **Federal Register**.

In the companion countervailing duty investigation we have found the existence of export subsidies with respect to USIMINAS/COSIPA. Section 772(c)(1)(C) of the Act directs the Department to increase export price or constructed export price by the amount of the countervailing duty "imposed" on the subject merchandise "to offset an export subsidy" in an administrative review. The basic economic theory underlying this provision is that in parallel antidumping and countervailing duty investigations, if the Department finds that a respondent received the benefits of an export subsidy program, it is presumed the subsidy contributed to lower-priced sales of subject merchandise in the United States market by the amount of any such export subsidy. Thus, the subsidy and dumping are presumed to be related, and the assessment of duties against both would in effect be "double-application" or imposing two duties against the same situation. Therefore, Congress, through section 772(c)(1)(C) of the Act, indicated that the Department should factor the subsidy into the antidumping calculations to prevent this "double-application" of duties.

We believe the economic theory implicit in section 772(c)(1)(C) of the Act should also generally apply to our cash deposit calculations in an investigation. The calculations underlying cash deposit rates resulting from an initial investigation are essentially equivalent to those determined in administrative reviews leading to the assessment of antidumping duties. Congress has indicated, in effect, that no dumping exists if the export subsidies calculated in a countervailing duty proceeding are equal to or greater than the calculated dumping margin. The Department believes that this is true regardless if such a result appears in an administrative review or in an investigation. Therefore, an affirmative dumping determination accompanied by customs instructions which call for the suspension of liquidation and the collection of zero cash deposit rates would be inconsistent with the logic

and intent of the law. If the Department's calculations in an investigation result in a zero cash deposit rate, then in reality, there exists no dumping upon which an affirmative determination could be based as to that particular respondent.

The Department has determined in its *Final Affirmative Countervailing Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products from Brazil* (issued concurrently) that the product under investigation benefitted from export subsidies. Consistent with our longstanding practice, where the product under investigation is also subject to a concurrent countervailing duty investigation, we instruct the Customs Service to require a cash deposit or posting of a bond equal to the weighted-average amount by which the normal value exceeds the export price, as indicated below, minus the amount of the countervailing duty determined to offset an export subsidy. *See, e.g., Notice of Antidumping Duty Order: Stainless Steel Wire Rod From Italy*, 63 FR 49327 (September 15, 1998) and *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip From India*, 67 FR 34899 (May 16, 2002). Accordingly, for cash deposit purposes we are subtracting from USIMINAS/COSIPA's cash deposit rate that portion of the rate attributable to the export subsidies found in the affirmative countervailing duty determination for this respondent (*i.e.*, 3.35 percent). After the adjustment for the cash deposit rate attributed to export subsidies, the resulting cash deposit rate for USIMINAS/COSIPA will be 30.53 percent. This rate will be applied only in the event that an order in the companion countervailing duty case is issued.¹

The Customs Service shall continue to require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. This

¹ Because suspension of liquidation in the companion countervailing duty investigation is currently discontinued and will not be resumed unless and until the Department issues a countervailing duty order, the antidumping cash deposit rate is the calculated weighted-average dumping margin of 33.88 percent. If an order is issued in the companion countervailing duty investigation, suspension of liquidation in the countervailing duty investigation will resume. If an order is also issued in this antidumping duty investigation, the Department will issue antidumping duty cash deposit instructions requiring a cash deposit equal to the antidumping margin calculated for USIMINAS/COSIPA less the export subsidy rate calculated for USIMINAS/COSIPA in the companion countervailing duty investigation.

suspension-of-liquidation instruction will remain in effect until further notice.

Final Determination Margins

We determine that the following percentage weighted-average margins exist:

Manufacturer/exporter	Margin (percent)
Usinas Siderurgicas de Minas Gerais and Companhia Siderurgica Paulista.	33.88
All Others	33.88

In accordance with section 735(c)(5)(A), we have based the "all others" rate on the dumping margin found for the sole producer/exporter investigated in this proceeding, USIMINAS/COSIPA.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix—Issues in the Decision Memorandum

1. Use of Facts Available
2. Treatment of PIS and COFINS Taxes in Normal Value
3. Treatment of PIS and COFINS Taxes in the Cost of Production
4. Arm's-Length Test
5. Calculation of the Overall Dumping Margin
6. Upward Billing Adjustments
7. Downward Billing Adjustments
8. ICMS and IPI taxes
9. Discounts
10. Home Market Inland Freight Expenses for COSIPA
11. Foreign Inland Freight Expenses for COSIPA
12. Home Market Inland Freight Expenses and Foreign Inland Freight Expenses for USIMINAS
13. Foreign Brokerage and Handling Expenses
14. Credit Expenses for USIMINAS
15. Credit Expenses for COSIPA
16. Warranties vs. Rebates for USIMINAS
17. Warranty Expenses for COSIPA
18. Technical Service Expenses
19. Use of Facts Available to Determine USIMINAS's Cost of Production
20. Inclusion of Non-POI Costs in the Cost of Production
21. Reported Scrap Credit Values
22. Depreciation of Temporarily Idled Assets
23. Amortization of Goodwill
24. Exclusion of Financial Gains and Losses on Receivables from Financial Expenses

[FR Doc. 02-24800 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-791-814]

Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From South Africa

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final determination of sales at less than fair value and negative final determination of critical circumstances.

SUMMARY: We determine that certain cold-rolled carbon steel flat products from South Africa are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930,

as amended. In addition, we determine that critical circumstances do not exist for imports of cold-rolled carbon steel flat products from South Africa.

We gave interested parties an opportunity to comment on the preliminary determination. Based on our analysis of the comments received, we have made certain changes for the final determination.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT:

Minoo Hatten, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1690.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce ("Department") regulations are to the regulations codified at 19 CFR part 351 (April 2002).

Background

On May 9, 2002, the Department published its preliminary determination in the above-captioned antidumping duty investigation. See *Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Negative Preliminary Determination of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From South Africa*, 67 FR 31243 (May 9, 2002) (*Preliminary Determination*). See also *Notice of Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey and Venezuela*, 66 FR 54198 (October 26, 2001) (*Initiation Notice*).

Since the *Preliminary Determination*, the following events have occurred. On May 13, 2002, and May 27, 2002, the Department conducted a U.S. sales verification and home-market sales verification, respectively, using standard verification procedures. Our verification results are outlined in the public versions of the verification reports (see U.S. sales verification report

from analysts to file, dated May 23, 2002, and home-market verification report, dated June 24, 2002).

We gave interested parties an opportunity to comment on the *Preliminary Determination*. On July 19, 2002, the petitioners¹ submitted their case brief. Iscor Limited (Ischor) and its affiliate, MacSteel International USA Corp (MIUSA) (collectively Ischor), respondent in this investigation, also submitted its case brief on July 19, 2002. The petitioners and Ischor submitted their rebuttal briefs on July 24, 2002. No parties requested a hearing.

With respect to scope, in the preliminary less-than-fair-value (LTFV) determinations in this and the companion cold-rolled steel investigations, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope-exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding “Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea” (*Preliminary Scope Rulings*), which is on file in the Department’s Central Records Unit (CRU), room B-099 of the main Department building). We gave parties until June 20, 2002, to comment on the preliminary scope ruling, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from the petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In

addition, on June 13, 2002, North American Metals Company (an interested party in the Japan proceeding) filed a request that the Department issue a “correction” for an already-excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department’s final decisions on the scope-exclusion requests are addressed in the *Scope of Investigation* section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in the *Scope Appendix* attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding “Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea,” dated July 10, 2002, which is on file in CRU.

Critical Circumstances

In letters filed on December 7, 2001, and January 14, 2002, the petitioners alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of cold-rolled steel from South Africa and other countries. On May 9, 2002, the Department published in the **Federal Register** its preliminary determination that critical circumstances do not exist for imports of cold-rolled steel from South Africa. See *Preliminary Determination* and critical-circumstances memorandum from Richard W. Moreland to Faryar Shirzad, dated April 26, 2002 (*Preliminary Negative Determinations of Critical Circumstances—South Africa*).

A public version of this memorandum is on file in CRU.

We received no comments from the petitioners or the respondent regarding our preliminary finding that critical circumstances do not exist for imports of cold-rolled steel from South Africa. We have not changed our determination and continue to find that critical circumstances do not exist for imports of cold-rolled steel from South Africa.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the “Issues and Decision Memorandum” (Decision Memo) from Richard W. Moreland, Deputy Assistant Secretary, to Faryar Shirzad, Assistant Secretary, dated September 23, 2002, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. This Decision Memo, which is a public document, is on file in the CRU and is accessible on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Determination

Our calculations followed the methodologies described in the *Preliminary Determination*, except as noted below, and in the September 23, 2002, Decision Memo and final determination analysis memorandum.

For certain models for which Ischor did not report constructed-value (CV) data, Ischor identified models which closely matched the models for which it could not furnish the CV data and supplied CV data for the surrogate models. Because we are unable to determine the impact of the difference in the physical characteristics between the similar model chosen and the models with missing costs, we have not included the models with missing CV data in the margin calculation. For a more detailed analysis see our response to comment 5 of the Decision Memo and the final determination analysis memorandum from analyst to file dated September 23, 2002.

We have also applied partial adverse facts available because we find that Ischor did not act to the best of its ability to provide accurate weight-conversion factors. As partial adverse facts available, we have used the lowest weight-conversion factor that we verified as accurate and applied it to all sales that have a reported weight-conversion factor greater than this

¹ The petitioners in the concurrent antidumping duty investigations are Bethlehem Steel Corporation, LTV Steel Company, National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., United States Steel LLC, WCI Steel, Inc., and Weirton Steel Corporation. Weirton Steel Corporation is not a petitioner in the Netherlands case. Effective January 1, 2002, the party previously known as “United States Steel LLC” changed its name to “United States Steel Corporation.”

number. For a more detailed analysis see our response to comment 9 of the Decision Memo and the final determination analysis memorandum from analyst to file dated September 23, 2002.

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service (Customs) to continue to suspend liquidation of all imports of subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002, the date of publication of the *Preliminary Determination* in the **Federal Register**. Customs shall continue to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds the constructed export price, as indicated in the chart below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
Iscor	41.90
All Others	** 41.90

**As Iscor was the only respondent in this investigation, we have used Iscor's margin as the all-others rate.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine within 45 days whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order.

Notification Regarding Administrative Protective Order (APO)

This notice serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations

and the terms of an APO is a sanctionable violation.

This determination is published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix—Comments and Responses

1. CEP Offset
2. Total Adverse Facts Available
3. Product Characteristics
4. Multiple Costs
5. Missing Costs
6. Inaccurate U.S. Sales Quantities
7. Missing Home-Market Sales
8. Inclusion of Non-Subject Merchandise in the Home-Market Sales File
9. Inaccurate Weight-Conversion Factors and Partial Adverse Facts Available

[FR Doc. 02-24801 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-357-816]

Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From Argentina

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final determination of sales at less than fair value and negative final determination of critical circumstances.

SUMMARY: We determine that certain cold-rolled carbon steel flat products from Argentina are being, or are likely to be, sold in the United States at less than fair value, as provided in section 731 of the Tariff Act of 1930, as amended. In addition, we determine that critical circumstances do not exist for import of cold-rolled carbon steel flat products from Argentina.

We gave interested parties an opportunity to comment on the preliminary determination. Based on our analysis of the comments received, we have made certain changes for the final determination.

EFFECTIVE DATE: October 3, 2002.

FOR FURTHER INFORMATION CONTACT: Dave Dirstine, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW,

Washington, DC 20230; telephone: (202) 482-4033.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce (Department's) regulations are to the regulations codified at 19 CFR part 351 (April 2001).

Background

On May 9, 2002, the Department published its preliminary determination in the above-captioned antidumping duty investigation. *See Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Negative Preliminary Determination of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From Argentina*, 67 FR 31181 (May 9, 2002) (*Preliminary Determination*). See also *Notice of Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey and Venezuela*, 66 FR 54198 (October 26, 2001) (*Initiation Notice*).

Since the *Preliminary Determination*, the following events have occurred. On June 18, 2002, and July 29, 2002, the Department conducted a home-market sales verification and a U.S. sales verification, respectively, using standard verification procedures. Our verification results are outlined in the public versions of the verification reports (see home-market verification report dated July 26, 2002, and U.S. sales verification report from analysts to file, dated August 13, 2002).

We gave interested parties an opportunity to comment on the *Preliminary Determination*. On August 26, 2002, the petitioners¹ submitted their case brief. Siderar S.A.I.C.

¹ The petitioners in the concurrent antidumping duty investigations are Bethlehem Steel Corporation, LTV Steel Company, National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., United States Steel LLC, WCI Steel, Inc., and Weirton Steel Corporation. Weirton Steel Corporation is not a petitioner in the Netherlands case. Effective January 1, 2002, the party previously known as "United States Steel LLC" changed its name to "United States Steel Corporation."

(Siderar), respondent in this investigation, also submitted its case brief on August 26, 2002. The petitioners and Siderar submitted their rebuttal briefs on September 3, 2002. Siderar did not request a hearing. The petitioners submitted a request for a hearing on June 10, 2002, but withdrew their request on September 4, 2002.

With respect to scope, in the preliminary LTFV determinations in this and the companion cold-rolled steel investigations, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope-exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding “Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea” (*Preliminary Scope Rulings*), which is on file in the Department’s Central Records Unit (CRU), room B–099 of the main Department building). We gave parties until June 20, 2002, to comment on the preliminary scope rulings and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from the petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, North American Metals Company (an interested party in the Japan proceeding) filed a request that the Department issue a “correction” for an already-excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department’s final decisions on the scope-exclusion requests are addressed in the *Scope of Investigation* section below.

Scope of Investigation

For purposes of this investigation, the products covered are certain cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in the *Scope Appendix* attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (Aug. 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding “Issues and Decision Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People’s Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea,” dated July 10, 2002, which is on file in the CRU.

Critical Circumstances

In letters filed on December 7, 2001, and January 14, 2002, the petitioners alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of cold-rolled steel from Argentina and other countries. On May 9, 2002, the Department published in the **Federal Register** its preliminary determination that critical circumstances do not exist for imports of cold-rolled steel from Argentina. See *Preliminary Determination and critical-circumstances memorandum* from Richard W. Moreland to Faryar Shirzad, dated April 26, 2002 (*Preliminary Negative Determinations of Critical Circumstances—Argentina*). A public version of this memorandum is on file in the CRU.

We received no comments from the petitioners or the respondent regarding our preliminary finding that critical circumstances do not exist for imports of cold-rolled steel from Argentina. We have not changed our determination and continue to find that critical circumstances do not exist for imports of cold-rolled steel from Argentina.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the

“Issues and Decision Memorandum” (Decision Memo) from Richard W. Moreland, Deputy Assistant Secretary, to Faryar Shirzad, Assistant Secretary, dated September 23, 2002, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. This Decision Memo, which is a public document, is on file in the CRU and is accessible on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Determination

Our calculations followed the methodologies described in the *Preliminary Determination*, except as noted below, and in the September 23, 2002, Decision Memo and final determination analysis memorandum.

We obtained missing unreported slitting-cost information at verification and have applied partial adverse facts available as advocated by the petitioners. See our response to Comment 2 of the Decision Memo.

We used depreciation adjustment data presented by the respondent to correct minor errors in its response on the first day of verification and we have not applied partial adverse facts available as asserted by the petitioners. See our response to Comment 3 of the Decision Memo.

We revised the interest expense and general and administrative expenses based on information we obtained at verification. See our response to Comment 4 of the Decision Memo.

For the *Preliminary Determination* we found one level of trade in the U.S. market and one level of trade in the home market. For this final determination, we found that there were two home-market levels of trade—a distributor level of trade and an end-user (or original equipment manufacturer) level of trade. We continue to find one level of trade in the U.S. market. In addition, we made a level-of-trade adjustment to normal value for export-price sales of one model for which there were no sales on the same level of trade in the home market. See our response to Comment 5 of the Decision Memo.

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service (Customs) to continue to suspend liquidation of all imports of subject merchandise that are entered, or withdrawn from warehouse,

for consumption on or after May 9, 2002, the date of publication of the *Preliminary Determination* in the **Federal Register**. Customs shall continue to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds the U.S. price, as indicated in the chart below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
Siderar	27.18
All Others	² 27.18

² As Siderar was the only respondent in this investigation, we used Siderar's margin as the all-others rate.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine within 45 days whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order.

Notification Regarding Administrative Protective Order (APO)

This notice serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance

with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.
Faryar Shirzad,
Assistant Secretary for Import Administration.

Appendix—Comments and Responses

- 1. Indirect Tax Rebates (Reintegro)
- 2. Missing Production Costs at One Plant
- 3. Failure to Provide Depreciation Costs
- 4. Revision of Interest Expenses and General and Administrative (G&A) Costs
- 5. Level of Trade

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